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2
3 IN RE THE MEETING OF THE)
4 BAY-DELTA ADVISORY COUNCIL)
5 _____)

ORIGINAL

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8 TRANSCRIPT OF PROCEEDINGS

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10
11 Sacramento Convention Center
12 13th and K Streets, Room 204
13 Sacramento, California 95814

14 Friday, July 19, 1996 at 10:06 a.m.
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20 REPORTED BY: SUSAN PORTALE, CSR NO. 4095, RPR, CM
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Commission

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SUNNE McPEAK, Bay Area Economic Forum

ERIC HASSELTINE, Contra Costa Council

STEVE HALL, Association of California Water
Agencies

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TOM GRAFF, Environmental Defense Fund

JUDITH REDMOND, Community Alliance with Family
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ROGER THOMAS, Golden Gate Fishermen's
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COUNCIL MEMBERS: (cont'd)

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Edison Water Supply District

STUART PYLE, Kern County Water Agency

---oOo---

1 (All parties present, the following proceedings were
2 had at 10:06 a.m.:)

3
4 CHAIRMAN MADIGAN: Good morning.

5 It's ten a.m. We are nearly all here.

6 Thank you for your prompt attendance.

7 We have a big day ahead of us. This is the
8 noticed meeting of the Bay Delta Advisory Council for
9 Friday, July 19th, 1996.

10 It's nice to see all of you.

11 We have some housekeeping items that I want to
12 take care of before we get started on the meat of the day.

13 For those of you in the audience who are
14 wondering what the material is that the BDAC members are
15 looking at, because the BDAC members received this stuff
16 last week, there are copies of the material out in front at
17 the registration table and it's certainly available to you.

18 Again, for members of the BDAC, lunch will be
19 served downstairs. We will try to break pretty promptly
20 around noon and for the members of the general public there
21 are certainly a number of restaurants right close by.

22 As I would expect it there will be a fair
23 amount of public comment today.

24 Let me review the ground rules.

25 The BDAC is going to deliberate on each of the

Page 5

Page 7

1 individual issues and then it's my intention to provide an
2 opportunity for public comment on each of those individual
3 items.

4 If you would fill out a speaker's card at the
5 registration table so that we have your name spelled
6 correctly and your address and we know how to haunt and
7 harass you in the evenings, it would be helpful.

8 It's possible that I will ask you to restrict
9 the length of your comments depending on how much other
10 discussion we have on items today so that we can conclude
11 this day in a reasonably timely manner.

12 You are, nevertheless, encouraged to speak on
13 those items after BDAC conversation.

14 In addition to that, as always, there will be a
15 public comment period at the end of this meeting, and you
16 are invited to speak at that time as well.

17 Three to five minutes is an appropriate kind of
18 time frame in my mind for that.

19 Again, if you have not filled out a speaker's
20 card for an individual item, we would ask that you sign up
21 for that purpose so that those of us up here have a record
22 of your intentions.

23 It would be helpful if you would sign up prior
24 to lunch so that we have some idea as to the amount of time
25 that we will take at the end of the meeting for that public

1 always desirable for us to have something that approximates
2 consensus in our concerns, that it will not always be
3 possible to do that and that's okay, and I'll certainly
4 call on Mr. Patterson and Mr. Mantell, as we get into that
5 phase, and they can express to you as well their hopes and
6 aspirations for the comments that you are being asked to
7 provide today.

8 All right. Having said all of that -- Mike
9 Stearns isn't able to join us today and he's asked Dan
10 Nelson to be here instead.

11 Dan, it's nice to see you again. Your comments
12 and your views today are important so please feel free to
13 let us know what we ought to know and there are some issues
14 today I am aware that are of particular concern to you all.

15 DAN NELSON: Thank you.

16 CHAIRMAN MADIGAN: So we look forward to
17 it and appreciate the fact that you've taken the time to
18 come by.

19 DAN NELSON: Thank you.

20 CHAIRMAN MADIGAN: Overview of process and
21 progress.

22 Mr. Snow, you're on.

23 EXECUTIVE DIRECTOR SNOW: Thank you,
24 Mr. Chair, members of the committee.

25 I want to give kind of a quick overview of the

Page 6

Page 8

1 comment period.

2 The next meeting of the BDAC is going to be on
3 Friday, September 20th, and currently the meeting after
4 that is scheduled for Thursday, November 21st.

5 The locations have not yet been identified, at
6 least to my knowledge, and that information will be sent
7 out to you as soon as possible.

8 Again, to those of you on the BDAC, while we
9 will do our very best today, and, as you can see, we are
10 set up to record your comments and those comments will
11 be -- I hope will be in agreeable enough form by the end of
12 the day that they can be appropriately summarized in
13 writing for the members of CalFed.

14 Still your comments in writing to this
15 organization remain very, very helpful as it documents your
16 concerns and that's important.

17 Sunne and I both want to remind you all of the
18 importance of being able to get through this Agenda today
19 so that we can move on to the next phase.

20 It's very necessary for us to be able to
21 deliver our comments as advisors to the CalFed process at
22 their meeting on July 29th.

23 So it's just really, really important that as
24 you have issues that you want raised that you bring them up
25 today and I will say from my standpoint that while it is

1 process that has got us to this point. I want to indicate
2 kind of at the front end of this meeting despite what
3 discussions we get into, just my basic optimism about where
4 we are in the spirit of the people who are participating in
5 this effort.

6 People have come to this process with a lot of
7 different views and often disparate views and nonetheless
8 people have strived to find common ground and work on
9 common solutions, and I think that has been very beneficial
10 to us and I think we are at a point where given a lot of
11 hard work we can move forward and come up with the
12 long-term solution we are charged to do so.

13 I think some of the kind of evidence of the
14 power of the coalition and cooperation is the passage of
15 SB 900 in the Assembly and the Senate, and we will hear
16 more about that later today from the people who worked hard
17 on that late nights to get that done.

18 Also, I would report briefly, even though we'll
19 discuss it in a little more detail later, the last Workshop
20 that we had, Workshop 7, in my mind was a very rewarding
21 Workshop.

22 We had a very good turnout and we saw people
23 coming in very focused, focused on the issues that were
24 really important to them, the changes they wanted to see or
25 the things in the program they want to emphasize.

Page 9

Page 11

1 We also have seen increased interest in a
2 program of looking at the policy nuances, the way that we
3 worked things.

4 People are really starting to pay attention to
5 policy definition and sending us comments striving for
6 better policy definition in the language that we come up
7 with and really trying to ferret out what I would call
8 unintended policy communication.

9 I mean, people really questioned "Do you mean
10 to say this about agricultural land retirement" or "Do you
11 mean to say this about commercial fishing"?

12 That's a very beneficial process for us to kind
13 of clarify where we are headed and the words that we are
14 choosing, and one of the kind of curious comments that
15 we've gotten that I think is important to kind of listen to
16 is that people have found our explanation of the program
17 better or more enlightening than some of the written words
18 that we choose and so that has kind of meant to us that we
19 are evolving the program so fast that some of the written
20 communication is not keeping up with the policy discussions
21 that we were having. What that means to us is that
22 incumbent on us now is being able to capture all of that as
23 we get all of these comments and try to turn it into the
24 final draft of the Phase 1 activities.

25 With that I want to show you some golden oldie

Page 10

1 overheads that have helped guide us through this process.
2 They will be collector's items. I know none of you believe
3 me now but they will be.

4 CHAIRMAN MADIGAN: Is your autograph on
5 them to make them worth more?

6 Will you be at card shows, things like that?

7 EXECUTIVE DIRECTOR SNOW: Can you hear me
8 on the system (indicating)?

9 A SPECTATOR: No.

10 EXECUTIVE DIRECTOR SNOW: How about now?
11 Yes?

12 CHAIRMAN MADIGAN: Yes.

13 EXECUTIVE DIRECTOR SNOW: Am I on?

14 Okay. Good.

15 Okay. You know this one (indicating), Calfed
16 Bay-Delta Program.

17 If that's not familiar to you, you're in the
18 wrong room.

19 I know you've seen this before, but I think at
20 this point where we are approaching the end of Phase 1 we
21 kind of need to recap some of what got us here and this is
22 actually fairly important in terms of just remembering the
23 basic structure.

24 We have been laboring down here kind of in
25 these two boxes working with the public staff work, the

1 consultants and the inter-agency folks.

2 We are getting ready for BDAC to provide its
3 advice to Cal-FED.

4 CalFed in turn will communicate to the
5 Secretary of Interior and to Governor Wilson in terms of
6 where we are at the conclusion of Phase 1.

7 Kind of to backtrack just a little bit, some of
8 the stuff that we focused on when we got started on this
9 was kind of a changed approach in dealing with these kind
10 of natural resource issues and the first was the issue of
11 State and Federal cooperation collaboration rather than
12 conflict that we've seen in the past.

13 And as important or perhaps more important was
14 the water community involvement, the fact that everybody's
15 recognizing that we've got something at stake, that
16 everybody needs to work together.

17 We set out early on in the program that we
18 needed to come up with a lasting solution and in order to
19 do that it needed to be comprehensive in terms of
20 addressing all of the basic issues in the system and it
21 needed to be collaborative to make sure that we are
22 addressing the basic issues in the system.

23 In approaching that we said we kind of took a
24 promise to have an open process, to try to collaborate with
25 as many people as we could.

Page 12

1 Also, we understood that simply fixing a couple
2 of species problems wasn't going to be enough. We had to
3 take a broader based ecosystem approach and we also
4 stipulated at the beginning there would be no preferred
5 options or prohibited options at the start of the program.

6 Again, kind of the image that we were striving
7 for was trying to piece together the different problem
8 areas and come up with something where the whole system is
9 getting better, not one sector at the expense of another
10 sector.

11 We laid out the three phase program.

12 Phase 1 being the problem definition moving
13 through to a short list of alternatives, which then move
14 into Phase II of the Program Level.

15 Is that a little fuzzy to you guys?

16 Looks like that's as good as it gets.

17 Phase II is the Program Level environmental
18 documentation and Phase 3 being Project Level and
19 implementation of the program.

20 We laid out the six step process, again moving
21 from problem definition through actions, through
22 development of preliminary alternatives, to kind of the
23 Phase 1 conclusion report or what we are calling now the
24 Phase II alternatives.

25 We went through what actually at times was a

Page 13

Page 15

1 painful exercise of generating all of these different
2 starting points of how can you approach this problem, what
3 kind of actions can you bundle together, put together 100
4 preliminary alternatives, compared them to the solution
5 principles and the performance measures, generated the 20
6 alternatives that we took to the Workshop and it was at
7 this level of 20 that we started first having the major
8 public input in debate.

9 We went through refinement as a result of the
10 input that we got from BDAC and the Workshop process
11 generated ten refined alternatives and took those ten out
12 to scoping. That's when we started going around the State
13 in the official scoping process, and took the comments and
14 additional analysis that we had performed and have now
15 produced the three alternatives that were the subject of
16 Workshop 7 and are included in your packet today.

17 One thing I went over at the last BDAC Meeting
18 that I want to reemphasize today because it's so
19 fundamental to the alternative, this is what we went out to
20 scoping with, and each of the major components we had
21 various levels of implementation and the comments that we
22 got from you, the comments that we got from the scoping
23 process was that didn't make any sense basically and people
24 indicated that if you have a program to achieve high level
25 Water Quality, you need to do it for all of the

Page 14

1 alternatives. You don't match up something that somebody
2 likes in one these alternatives with a low performing water
3 quality. You need to have a common program, a common
4 approach for achieving high level water quality, same with
5 ecosystem quality, system vulnerability and what's called
6 reduce to command here which was subsequently changed to
7 water use efficiency.

8 And so that formed the concept of a common
9 program for all of the alternatives where these specific
10 components that used to vary now come together and form
11 kind of a common basis for all of the alternatives.

12 One of the significance with the common program
13 is they tend to deal with complex issues. It tends to be a
14 subject area where you have opportunity to do priority
15 implementation. If you have a levee program, you go after
16 the worst levees first, the ones that are most important.
17 You can stage the implementation and respond to new
18 information, adaptive management, and you can monitor and
19 adjust the program.

20 That tends to be the characteristics of the
21 common programs.

22 So what that means in terms of the kind of
23 staging, you would look at what used to be called the core
24 actions, become the first level of implementation in the
25 common program, and then you can have -- using the old

1 terms, modest, moderate and extensive levels as you
2 continue to implement each of the common programs.

3 So where that led us was defining the
4 alternatives by the common program and the two variable
5 components and the two variable components are conveyance,
6 how you move water in and around the system and storage
7 components, how you operate and how much storage there is
8 in the system.

9 And so we ended up with the three alternatives,
10 based largely around the existing system, meaning the
11 existing diversion patterns, an alternative based around
12 making modifications to the Delta system, change the way
13 the water flows through the system and a dual system that
14 has modifications to the Delta system combined with an
15 isolated facility, looking at different levels of storage,
16 and we'll go into more detail subsequently on these items.

17 Now, to jump ahead just a moment so you have
18 some context on kind of the decision that we are making on
19 Phase I, as we have come up with the Phase II alternatives
20 we initiate the EIR/EIS process to lead to a certified EIR
21 and a record of decision on EIS and move into
22 implementation.

23 At the same time we continue component
24 refinement so we are constantly getting better components,
25 more detail, more well refined. As we develop the

Page 16

1 implementation strategy which you can generally think of
2 are two major components and one being the assurances in
3 the institutional issues and the other being the financial
4 strategy. So all of that is moving forward at the same
5 time.

6 Just a little bit more of kind of context,
7 where we've been in the last year, these are the different
8 Public Workshops and BDAC meetings that we've held.

9 We started on June 29th, moving on through to
10 where we are today.

11 Each of these meetings dealt with basically a
12 different issue in that six phase or six step process that
13 we went through. We tried to parallel to the Workshop
14 process so that you were able to see material that came out
15 of the Workshops and be able to kind of feed off of the
16 information that came from the Workshop process.

17 So that's all brought us to where we are today,
18 having these draft three alternatives and hopefully moving
19 to a completion report on the Phase I effort.

20 Before I go on to the alternatives, maybe if
21 I'd just pause to see if there is any questions about the
22 basic process that we have undertaken.

23 CHAIRMAN MADIGAN: Anybody?

24 (No response)

25 Okay. All right.

Page 17

Page 19

1 EXECUTIVE DIRECTOR SNOW: Okay.
 2 Again, we are starting to approach the top of
 3 the piano here (indicating) -- or would that be the side, I
 4 guess -- of the grand piano?
 5 CHAIRMAN MADIGAN: It would be the high
 6 notes, anyway.
 7 EXECUTIVE DIRECTOR SNOW: Okay, the high
 8 notes. That's a good way to put it.
 9 So it's important, you know, getting up here.
 10 We've done a lot of combining of these alternatives. You
 11 know, essentially where we are is building off of all of
 12 this material that we prepared earlier, refining components
 13 and putting them together and ending up -- it's totally
 14 coincidental that we only showed three.
 15 We had three to five but -- well, no, actually
 16 we picked three so we'd match this graphic. Don't write
 17 that down.
 18 As I get into the alternatives -- I think there
 19 is a couple of the assumptions that we have highlighted in
 20 the packet that are worth noting here because they are real
 21 important.
 22 The first one is one that we discussed a long
 23 time ago, actually, at a dinner educational briefing when
 24 we talked about the hydrographs and the variability between
 25 years and that sort of thing, and essentially the

Page 18

Page 20

1 assumption here is that the value of water varies by flow
 2 rate, time of year, location, and water year type.
 3 And that's a real fundamental issue that
 4 particularly the value to the environment of a unit of
 5 water varies significantly during the year, and that's
 6 important because it means we need to focus diversions when
 7 it has the least value to the environment, when it has the
 8 least impact.
 9 We need to focus on providing instream flows
 10 when it has the most value.
 11 It's in this concept, in this assumption that
 12 you can get win-win out of the system, that you can move
 13 more water of the system when it's least sensitive, you can
 14 return water to the system when it's most needed.
 15 The other basic assumption that underlies this
 16 kind of packaging is that restoration of the ecosystem
 17 improves not only the species and the functions of the
 18 system but also serves to reduce supply constraints.
 19 It's the whole issue of dealing with conflicts
 20 in the system and these are very basic assumptions that
 21 underlie formation of all of the alternatives.
 22 Now, here is kind of another way of showing the
 23 basic structure of the alternatives (indicating).
 24 They consist of a conveyance, storage and
 25 common program.

1 And in alternative one, alternative one is
 2 based around the existing system and that means the
 3 existing diversion structure of the Delta.
 4 It is combined with looking at different types
 5 of storage in the system, upstream storage, south of Delta
 6 storage, in-Delta storage and conjunctive use in
 7 groundwater banking and then combined with the common
 8 programs, the four common programs.
 9 Now, just glancing across here you can see that
 10 there is a little relative difference on how the storage is
 11 paired with the conveyance in the system and that has to do
 12 with how you can optimize the use of storage given how you
 13 are moving water through the system and this will be a key
 14 issue as we move into Phase II when we analyze this to try
 15 to optimize the mixing of storage and the kind of system
 16 that you're operating.
 17 Alternative two is a through-Delta
 18 modification, again looking at different levels of storage
 19 in different parts of the system, with the four common
 20 programs.
 21 Alternative three is the dual system, again,
 22 coupled with different levels of storage in the common
 23 program.
 24 Okay. Alternative one -- and we actually have
 25 a map up on the other side (indicating) -- alternative one

1 again is based around existing diversion patterns in the
 2 system and existing Delta channels.
 3 What is being looked at in that is
 4 modifications, minor modifications in the system that could
 5 provide conveyance to the export pumps up to the full
 6 capacity of the pumps, up to and including the full
 7 capacity.
 8 We are looking at again a full range of storage
 9 options in the system upstream, south of Delta, in-Delta
 10 and conjunctive use in groundwater, combined with water use
 11 efficiency program, ecosystem reservation, system integrity
 12 and water quality program.
 13 If you look at the map for a moment
 14 (indicating), the significance -- boy, that's hard for me
 15 to read from here -- the ecosystem program is kind of shown
 16 in a very broad area here because there is pockets of
 17 intensive activities that you would undertake on
 18 tributaries in the Delta but it's spread over a very broad
 19 area.
 20 You'll notice in the yellow area, that's kind
 21 of the concentration of the system integrity kind of
 22 aspects of the program.
 23 We have simply shown the water drops for the
 24 different kinds of water quality measures that will be
 25 taken throughout the system and that's kind of a backdrop

Page 21

Page 23

1 for all of the consideration of conveyance in storage.
 2 And in this case conveyance is basically the
 3 existing system, existing diversions on the upper Sac and
 4 the existing channels in terms of moving water through the
 5 system.

6 Storage will be considered in upstream of the
 7 Delta, south of Delta and then also consideration of
 8 in-Delta storage.

9 Alternative two, alternative two is a
 10 through-Delta system. It ranges -- in looking at
 11 modification of the through-Delta system it ranges from
 12 kind of a dredging and improvement of the existing channels
 13 to what could be called major channel and island
 14 reconfiguration, very broad channels in the system that
 15 also incorporate habitat.

16 Those of you who followed the comments that we
 17 received as we went through this process, kind of the one
 18 end of this, the major change that probably most reflects
 19 the urban proposal that came into our process, the urban
 20 comments that were submitted.

21 The other kind of option to be considered in
 22 conveyance on through-Delta is whether the through-Delta
 23 alternative is screened or unscreened, and there is a
 24 couple of different approaches that you can take and we
 25 need to look at both of these as we move forward.

Page 22

1 Again, looking at how this conveyance can be
 2 coupled with storage to meet the different needs of the
 3 program, again, in the four locations, and also the same
 4 basic common program on water use, ecosystem, system
 5 integrity and water quality as shown on the map
 6 (indicating).

7 The third alternative --

8 MS. BORGONOVO: Could I just ask a quick
 9 question?

10 EXECUTIVE DIRECTOR SNOW: Sure.

11 MS. BORGONOVO: I just wondered why you
 12 considered screened versus unscreened? What is the
 13 rationale of that?

14 EXECUTIVE DIRECTOR SNOW: It really
 15 represents two different kinds of thoughts on how you go a
 16 through-Delta system.

17 What's typically considered when you look at
 18 kind of the upper end of the range, I guess I should say
 19 lower end of the range of dredging the existing channels,
 20 is you probably want to screen the diversion off the
 21 Sacramento River to keep the fish in the Sacramento River
 22 moving downstream.

23 One of the thoughts of having the wider -- much
 24 wider channels reconfiguring some of the islands and
 25 creating habitat is you make the Central Delta fish

1 friendly and you are not concerned about screening them
 2 out, in fact, you want them to come in and they have
 3 rearing habitat in the Delta system.

4 So it's kind of two very different approaches
 5 to a through-Delta alternative.

6 And I don't know if Dick wanted to add anything
 7 to that, but since he's not paying attention to the
 8 Executive Director of the program, then . . .

9 Oh, never mind, Dick.

10 Alternative three, that conveyance is the dual
 11 system. That is, modification of the Delta channels for a
 12 through-Delta flow and evaluation of an isolated component
 13 from 5,000 CFS to 15,000 CFS. It can be conceptually
 14 represented on this map as a through-Delta configuration
 15 with some size of isolated facility.

16 And, again, the general range that we are
 17 setting up for analysis is from 5,000 to 15,000 CFS.

18 Again, you'll notice evaluation of larger
 19 storage because you have different kinds of opportunities
 20 with this system with again the same basic configuration of
 21 upstream, south of Delta, in-Delta, conjunctive use and
 22 groundwater, again, combined with the backdrop of the basic
 23 common program water use efficiency, ecosystem, system
 24 integrity and water quality programs.

25 And I haven't made much mention of this but we

Page 24

1 discussed it the last time, that these common programs do
 2 get adjusted depending on how they kind of fit in with
 3 decisions that you make on conveyance of storage.

4 If you have storage in a certain location you
 5 can have a dramatic impact on ecosystem restoration because
 6 it's easier to produce flows at a certain time so it has a
 7 lot of interrelationships that will have to come out as we
 8 do this analysis.

9 MR. GRAFF: One question.

10 EXECUTIVE DIRECTOR SNOW: Yes.

11 MR. GRAFF: What acre feet per year do
 12 those 5,000 to 15,000 add up to in capacity?

13 EXECUTIVE DIRECTOR SNOW: You mean if you
 14 assume --

15 MR. GRAFF: You assume full usage at both
 16 levels, lower and upper level.

17 EXECUTIVE DIRECTOR SNOW: Yeah, I don't
 18 have any idea, actually.

19 MR. GRAFF: That would be something that
 20 would be of interest, I think.

21 And the other question is why is 5,000 the low
 22 number?

23 EXECUTIVE DIRECTOR SNOW: You know, I
 24 don't really know why we picked five. It seems like that's
 25 kind of the low end of the types of flows that you have in

Page 25

Page 27

1 the system.

2 Steve, do you want to add anything?

3 MR. YAEGER: We've been looking at five as

4 being a low since that pretty much equates to the urban

5 drinking water needs. So the 5,000 would be kind of

6 allocated strictly for urban drinking water and water

7 quality.

8 CHAIRMAN MADIGAN: Alex.

9 MR. HILDEBRAND: Do you mean to suggest

10 that the urbans are actually going to drink that much

11 water?

12 CHAIRMAN MADIGAN: Steve.

13 MR. YAEGER: I guess I'm a little confused

14 as to exactly what your comment means.

15 The 5,000 CFS relates on a yearly basis to

16 about the volume of water that's projected for use in the

17 urban service areas.

18 MR. HILDEBRAND: So it's urban water use,

19 not urban drinking water.

20 MR. YAEGER: Correct. It's the total

21 urban volume.

22 CHAIRMAN MADIGAN: Roberta, did you have a

23 question?

24 MS. BORGONOVO: I really had a

25 philosophical question. In looking at all of the

Page 26

Page 28

1 alternatives I realize that we have this balance that we

2 are trying to achieve, but it's as if there is no value for

3 fresh water that flows out to the ocean. So I just hope

4 that as we go through those alternatives, that that can be

5 addressed.

6 It turns up in several of the different

7 discussions in some of the water use efficiency, the way in

8 which we talk about the value of conserving water and then

9 we talk about going into an unusable sink, which is the

10 ocean, that there is that value, also, of a river that has

11 some unrestricted flow.

12 So there is to a certain extent I like the

13 philosophy of the ecosystem restoration, which is to try to

14 take it back to the natural system, but when you look at

15 all of the alternatives there are all of these

16 modifications going on in the natural system so I just

17 think that that discussion needs to take place as we go

18 through the alternatives.

19 EXECUTIVE DIRECTOR SNOW: So that is both

20 the issue of natural system but also the specific issue of

21 outflow.

22 MS. BORGONOVO: Exactly.

23 EXECUTIVE DIRECTOR SNOW: Okay.

24 Any other questions on the alternatives as they

25 are structured because what we want to do now is go on to a

1 brief description of the four components.

2 Okay. Are you going to start, Steve, with the

3 components?

4 MR. YAEGER: Yeah, I guess.

5 CHAIRMAN MADIGAN: Mr. Yaeger.

6 MR. YAEGER: We are going to walk through

7 the common programs and give you just the highlights. I'm

8 going to do water quality and levees and then Dick will be

9 talking about ecosystem and Rick Soehrn talking about water

10 use efficiency.

11 In our water quality Common Program, in general

12 the program encompasses all of those actions you saw in the

13 detailed descriptions of the 20 alternatives and the ten

14 alternatives.

15 Under the drainage problem areas it encompasses

16 such actions as managing drainage timing to the river,

17 conversion of drainage hot spot lands to conservation

18 reserve programs.

19 Under urban and industrial we have such actions

20 as incentives to manage urban stormwater and watershed

21 management.

22 Under mine remediation we have actions, such as

23 on-site remediation at the mines and also incentives to

24 provide pollution credits.

25 Under management of crop protection chemicals

1 we have a range of actions, including things like

2 supporting the efforts of the regional Boards and preparing

3 management plans and supporting the research activities

4 that are going into the herbicides and pesticides area.

5 Under agricultural drainage management we have

6 actions that range from managing the drainage timing,

7 releases to the river, treating ag drainage in wetlands and

8 other types of treatment facilities and also use of stored

9 water to enhance some of the river qualities.

10 That in a nutshell is the Common Program for

11 water quality.

12 Under our Levee System Integrity Common Program

13 we have three main elements.

14 Under the emergency response element we have

15 included such actions as a multi-agency response team to

16 deal with emergencies.

17 Consistent funding for emergency response, and

18 preparation of emergency response and reclamation plans to

19 deal with the emergency issues.

20 Under the levee stabilization element we,

21 again, have consistent funding for the levee stabilization

22 projects.

23 Prioritization schedule for implementation of

24 levee projects, additional flood protection, especially in

25 the North Delta, and some incentives to provide subsidence

Page 29

Page 31

1 control measures.

2 Under the levee maintenance elements we have
3 consistent funding for maintenance activities on the
4 levees, preparation and development of agreements around
5 standardized maintenance levels for the Delta levees, and
6 providing additional flood capacity in the Delta channels.

7 That's pretty much what we had to say about
8 those common programs.

9 Dick, do you want to talk a little about
10 ecosystem?

11 MR. DANIEL: A couple of quick comments
12 about the ecosystem restoration program.

13 Much of what you've seen before and very little
14 has changed.

15 I think it's very appropriate to point out to
16 this group in particular that when it's all said and done I
17 think this program will be characterized as the largest
18 ecosystem restoration program that's ever been undertaken
19 in the United States.

20 It certainly is the most comprehensive, covers
21 the most broad range of habitat types and largest number of
22 species that we've ever endeavored to recover.

23 It's a habitat based program, oriented towards
24 the restoration of ecological functions.

25 It will deal with large scale habitats in the

1 substantial synergy between the ecosystem restoration
2 program and our common programs dealing with water supply,
3 our common programs dealing with levee restoration. There
4 are many opportunities in reworking the levees in the Delta
5 to incorporate habitat and to preserve habitat.

6 Our water quality efforts will also reflect in
7 benefits to the ecosystem and the efficient use of water
8 will also overlap into the ecosystem program and that we
9 will endeavor to use what water supplies are currently
10 available and those that might be developed in a very
11 official manner.

12 In general we are very pleased with the way
13 this program has been developed. It's been a very
14 collaborative effort and frankly I'm very excited about it.

15 CHAIRMAN MADIGAN: Thank you. Tom.

16 MR. MADDOCK: Could you talk a little more
17 about the San Joaquin programs there, Dick?

18 There has been a lot of discussion.

19 MR. DANIEL: One of the main problems that
20 we see on the San Joaquin tributaries and the main stem of
21 the San Joaquin below the mouth of the Merced is the
22 degradation of the integrity channel. That's come about as
23 a result of a couple of actions.

24 One very dramatic change that has occurred in
25 those river channels is very large scale gravel extraction

Page 30

Page 32

1 watersheds that feed water supplies into the Delta Estuary.

2 It will have considerable focus on the main
3 stem Sacramento River in terms of restoration of habitat,
4 screening of unscreened diversions, restoration of spawning
5 gravels and other things.

6 In the smaller tributaries of the Sacramento
7 River we will be providing restored habitat to those
8 species that are particularly dependent on the tributaries,
9 a good example there would be spring run chinook salmon.

10 In the Delta itself it involves a comprehensive
11 restoration of Delta channel islands, attached levee
12 habitat, riverine -- shaded riverine habitat, wetlands,
13 screening of diversions in the Delta, and a focus on
14 restoring instream and downstream flows in areas of
15 critical need and during periods of critical need.

16 In the greater San Francisco Bay Area,
17 especially in the upper Bay, we are looking to restore
18 considerable acreage of tidal wetlands through the
19 breaching of dikes, in diked Bay land areas.

20 On the San Joaquin system we have a greater
21 challenge. Essentially we have to reconstruct the natural
22 river channel, isolate existing gravel extraction pits from
23 the main stem of the river and restore a considerable
24 amount of habitat in that area.

25 One thing I want to note is that there is

1 outside of the main bed of the river but adjacent to it,
2 and over time as those gravel projects have gone out of
3 business or depleted their supply, the maintenance of the
4 levees that separate the river channel from the pits that
5 result from gravel extraction have been abandoned and
6 they've degraded and the river has migrated into them.

7 This results in traps for juvenile fish. It
8 results in warming of the flow of the river. It takes the
9 general integrity of the river in terms of a distinct
10 channel away from the system.

11 On the main stem of the San Joaquin below the
12 entrance of the mouths of these tributary streams, the
13 river channel has a graded, it has accumulated large
14 amounts of sand and decomposed granite that have come down
15 from the Sierras. It's broadened. It's gotten shallower,
16 it's gotten warmer and the integrity of the stream carrying
17 flood flows for moving fish downstream and it's general
18 productivity has declined.

19 So it's a large scale reversal of these
20 quasi-natural processes that have happened, happened in
21 part because of poor maintenance of channels upstream of
22 the Delta, happened in part because of depletion in flows
23 and the inability of the river to flush itself of these
24 sediments.

25 MR. MADDOCK: So it's the hydraulics?

1 MR. DANIEL: An awful lot of what has
2 happened in the San Joaquin river system is a result of
3 both large scale depletions of flow for use upstream.

4 CHAIRMAN MADIGAN: Any other questions?
5 Richard.

6 MR. IZMIRIAN: There is a lot of
7 comforting discussion about natural functions, but it seems
8 that the fishery program is highly relying on fisheries.

9 This, of course, doesn't address the problem of
10 entrainment of eggs and larvae. I haven't seen anything
11 specific to that.

12 Can you discuss what may be done there?

13 MR. DANIEL: A couple of areas that we can
14 deal with the entrainment of eggs and larvae which are
15 essentially unscreenable, if you will, realtime monitoring
16 is a key where diversions will be curtailed during distinct
17 periods of time when eggs and larvae and moving downstream
18 and vulnerable to loss.

19 In the Delta itself we are looking for
20 opportunities to consolidate diversions.

21 A typical island may have several hundred
22 diversion points on the island that are used at different
23 times of the year for different purposes for different
24 crops.

25 We think in some cases we can go through with

1 large scale consolidation so that we are dealing with a
2 fewer number of diversion points. They might be in
3 locations where eggs and larvae are less vulnerable.

4 But it's an inescapable fact that these very
5 small fishes and the eggs of our fishes are very vulnerable
6 to diversion and we will never be able to totally correct
7 that problem.

8 Thank you.

9 CHAIRMAN MADIGAN: Thank you, Dick.

10 MR. SOEHRN: The last of the four common
11 programs is water use efficiency, previously known as
12 demand management. Water use efficiency is a little
13 different from the other common programs in that we'll be
14 taking a common approach to water use efficiency, but it's
15 only one part of what gets us to water supply reliability.

16 The program also includes possible new
17 conveyance, possible new storage options, that will change
18 the water reliability picture.

19 And so water use efficiency in a way is sort of
20 the safety valve to help agencies get to the level of
21 reliability that they need to ensure that they can keep
22 their customers happy after they see what kind of
23 conveyance and what kind of storage is available to them
24 after they assess local needs, local conditions, other
25 supplies that might be available to them.

1 The parts of water use efficiency that we have
2 discussed before include urban water conservation,
3 agricultural water conservation, water recycling.

4 A fourth one that we have talked about a lot is
5 land retirement and it has certainly been the object of a
6 lot of attention in our process.

7 We heard a lot of concerns during scoping about
8 land retirement.

9 In looking at land retirement it's obvious that
10 it can have a lot of very significant third party impacts.

11 And as we've started to look at the options
12 available to us in water use efficiency it's clear that
13 there are some alternatives.

14 Things like conservation reserve programs where
15 perhaps irrigation districts can look at supplies available
16 to them and make decisions at the local level about
17 rotational fallowing, about changing cropping patterns to
18 crops that use less water, that sort of thing.

19 And, finally, as we thought about the
20 objectives that a water use efficiency Common Program has
21 to meet for us, and some of these have come out of the
22 discussions at the BDAC water use efficiency work group,
23 two of the most important objectives are local flexibility
24 in water use efficiency, and that we should support local
25 integrated resources planning.

1 So when we consider all of those things it is
2 much more problematical for us to figure out exactly where
3 land retirement fits in in water use efficiency. It
4 certainly has a place in water quality, but certainly the
5 role of land retirement is going to be much less than it
6 was in some of our ten alternatives where we looked at up
7 to up to 800,000 acres of retired land so at this point we
8 are taking a very hard look at land retirement as a water
9 use efficiency method.

10 Its role it looks like it will be very minimal
11 and I expect that we will get additional advice and input
12 from the BDAC work group on water use efficiency when we
13 take up this part of the subject.

14 There is one fourth item that I'd like to bring
15 up in terms of water use efficiency, and that is water use
16 efficiency for environmental water uses.

17 We have stated that when diversions are made
18 for urban water use, for agricultural water use, there is
19 an expectation that that water should be used as
20 efficiently as possible.

21 And people have pointed out to us and it's a
22 good point that when water is diverted for environmental
23 purposes, such as on refuges, the same sorts of efficiency
24 standards should apply. We should make efficient use of
25 that water as well.

Page 37

Page 39

1 So that's where we stand with the water use
2 efficiency Common Program.

3 CHAIRMAN MADIGAN: Mary.

4 MS. SELKIRK: I had a question from the
5 explication in the packet that we got today with regard to
6 water use efficiency measures.

7 At the top of page 35 in reference to
8 higher -- the possibility that there may be higher levels
9 of conservation and reclamation depending on the -- what
10 turns out to be the preferred alternative from the CalFed
11 program, could you explain that?

12 I didn't understand. I mean, I understand
13 empirically that there is going to be a difference in terms
14 of Delta flow and exports between alternative one and
15 alternative three.

16 What I don't understand is in the short or the
17 long-term why that would then call for or imply lower
18 levels of conservation reclamation in one alternative
19 versus another.

20 MR. SOEHRN: Well, there are sort of two
21 steps, two parts to that answer.

22 One approach that we are taking with water use
23 efficiency is that we need to have some sort of assurance
24 of a floor level of efficient water use in every sector.

25 And, for example, in the urban sector we are

Page 38

1 looking at something akin to the urban BMP's, perhaps with
2 some improvements, some refinement, greater implementation,
3 some agencies haven't signed the MOU and so forth.

4 As I mentioned earlier, there are a lot of
5 different elements of water supply and water supply
6 reliability for an agency.

7 Export water supplies that might be available
8 to them from elsewhere and how well that water can be
9 conveyed across the Delta, local supplies that may be
10 available to them, either surface or groundwater, water
11 recycling opportunities that are available to them, and,
12 finally, water conservation water use efficiency.

13 An agency is going to have to put all of these
14 things together when they figure out what level of
15 reliability they need for their service area and how they
16 can put all of these components together to get it.

17 So the approach that we are taking is that
18 we'll need to devise assurances so that there is a strong
19 minimum level of conservation of efficiency that takes
20 place in each sector and beyond that local agencies will be
21 able to rely on integrated resources planning to see what
22 additional role conservation has for them.

23 So it's not a situation where, well, if we have
24 a lot of water that we can develop and convey across the
25 Delta, agencies south of the Delta won't need to conserve.

1 It's certainly not that at all. There will be a strong
2 level of conservation, how much additional, more aggressive
3 conservation needs to take place will depend on each
4 agency's situation.

5 CHAIRMAN MADIGAN: Roberta.

6 MS. BORGONOVO: This is really a follow-up
7 to Mary's question, but I'll put it a different way:

8 I think Mary is looking at the top of page 35
9 where it says "A higher level of conservation and
10 reclamation may be appropriate with the existing system
11 conveyance compared with the dual Delta conveyance because
12 of reduced opportunity to deliver water south to the export
13 uses" but I just want to go to the philosophical question,
14 which is on the bottom of page 37, "Conservation can harden
15 water demand reducing opportunities for additional water
16 use reductions during shortages and increasing the need for
17 reliability."

18 I guess that's a philosophical point that I
19 have been disputing in all of my years in water
20 conservation. I understand that when there wasn't real
21 planning for water use deficiencies through these
22 conservation measures that when you came into a drought you
23 used to have a lot of slop in the system and therefore you
24 could afford to cut back on that use and you didn't affect
25 your customer.

Page 40

1 So I understand that but it implies that using
2 water more efficiently increases the need for reliability
3 which says to me that it's not as a reliable a source and I
4 guess the whole point that many of us who are in water
5 conservation have been making is that if you are able to
6 show that you can reduce your demand at the customer level,
7 that it is -- has the same reliability as the supply so
8 it's not going to reduce your reliability if you plan for
9 it.

10 Now, you do have to plan for it, but that
11 philosophical idea crops up over and over again and I think
12 it goes back to the top of page 35, which says that there
13 is no value in reducing water use at the customer level.

14 And I guess I see a real value, especially to
15 the environment because that says to me you are going to
16 have to take less water out of the stream and, therefore,
17 you are going to have less environmental impacts.

18 CHAIRMAN MADIGAN: Sunne.

19 MS. MCPK: Trying to listen and
20 understand what Roberta is saying, perhaps part of the
21 problem is that the word reliability in the way you used it
22 and the way you used it I agreed with initially, but if
23 Roberta is disagreeing with it, I wanted to listen closely.

24 The real implication of the term reliability as
25 you are using it is the accuracy of the yield.

Page 41

Page 43

1 Because we've got a lot of -- there is a lot of
2 latitude and when we forecast supplies and what will the
3 yield be from certain storage facilities and that then is
4 also a component of reliability.

5 I think what you are implying is whatever it is
6 and that's as reliable under efficient water use or
7 inefficient water use, right, Roberta?

8 MS. BORGONOVO: Exactly.

9 MS. MCPEAK: Okay.

10 MS. BORGONOVO: If you know quantify it
11 and you know it's in the yield, you can plan for it and you
12 can plan for it also in your drought years when you know
13 you are not going to have that great flexibility you had at
14 the customer level.

15 Nevertheless, in several of the studies that
16 have been done on demand hardening, one of which was put
17 out both by the California-Urban water agencies and
18 California-Urban Water Conservation Council, we spent a lot
19 of time on demand hardening and the overall conclusion is
20 that you were still better off having to reduce water use
21 because again in the long run it will help your
22 reliability.

23 And that keeps cropping up here, and I
24 understand the point that the water agencies are making but
25 when I read it it says to me "You have a real price to pay

1 well, here is an opportunity to not have to worry about
2 water conservation. You go for the dual facility. You see
3 the way in which it's put out there. That's what worries
4 me.

5 That has been a concept that's been out here
6 before, and we've discussed it before.

7 EXECUTIVE DIRECTOR SNOW: Maybe if I could
8 address that issue on the top of page 35.

9 I mean, I think that's one of those types of
10 issues that I brought up at the beginning of the meeting in
11 terms of perhaps our written language not tracking what the
12 underlying policy is.

13 And I think that the essence of what's being
14 conveyed in that sentence is not as much the issue that
15 you're concerned about but rather this linkage between
16 water use efficiency and market transfers, which we have
17 not explicitly discussed.

18 But what happens when you modify the system is
19 you open up market incentives more and so market incentives
20 start driving water use efficiency issues and that's really
21 what's embodied in that type of sentence and we have not
22 described it very accurately, but as you have a system that
23 creates a market, then all of a sudden you are having
24 market influences drive what's happening with conservation
25 versus the regulatory approach.

Page 42

Page 44

1 for water conservation" and I just don't believe that.

2 MS. MCPEAK: I don't think it -- I would
3 agree with you and I would expect that most of us around
4 the table also would embrace that philosophy and that ethic
5 about water efficiency is important for water reliability.

6 Perhaps, Lester, you can comment on it. I
7 would just suggest what we need to focus on is the accuracy
8 of the yield because that's what in the system has had a
9 lot of latitude in the past and the point you are trying to
10 make is we are not going to have a margin of error with
11 increased efficiency that causes us to use the supply that
12 is generated by that efficiency, which is what does happen.
13 That's what we are going to be doing. You have to have the
14 efficient water measures even to get through to the point
15 in time when bring on line any other supply facilities, the
16 facilities that might give us some additional supply.

17 I really think what Roberta is raising we would
18 all agree with. We need to focus part of that sentence on
19 the accuracy of the yield.

20 MS. BORGONOVO: Can I just make a
21 follow-up?

22 It goes back again to the philosophical
23 question of the level of demand side management or water
24 use efficiency in the alternatives.

25 And what I read at the top of page 35 is that,

1 And I think we need to develop that more
2 because I think the bottom line needs to be that we are
3 expecting the same ultimate water use efficiency regardless
4 of the system that we are putting in place, the conveyance
5 system.

6 MS. BORGONOVO: Is it also an issue of
7 flexibility?

8 Is that part of what that --

9 EXECUTIVE DIRECTOR SNOW: Yeah, I think
10 it's the flexibility that then allows the market to take
11 place and then the market gives people an incentive to
12 conserve water because they then can sell it to a water
13 short user somewhere in the system.

14 And so in the flexible system with more
15 opportunities to move water you have a distinct economic
16 incentive to make the investment for conservation.

17 In a system with fewer or less flexibility and
18 fewer opportunities conservation or water use efficiency is
19 taking place for a different reason, either a survival
20 reason or a regulatory reason.

21 And we need to explain that better because
22 there is no way anybody could read that sentence and get
23 that out of it and we need to make sure we have that
24 discussion.

25 And one of the casualties of the kind of the

Page 45

Page 47

1 change that we made is that we dropped much of our
2 description of transfers and the role that that plays in
3 market transfers and where it fits into this and we need to
4 get that back into it.

5 CHAIRMAN MADIGAN: Alex.

6 MR. HILDEBRAND: One facet of this
7 contrast between through-Delta and the isolated facility
8 options is that it's been assumed here that practically all
9 of the new storage opportunities are north of the Delta
10 other than off stream.

11 That's not entirely true. There is a
12 substantial opportunity to increase the yield out of the
13 upper basin of the San Joaquin by raising Friant and there
14 is also substantial opportunity to increase the yield of
15 the Kings River system and you don't even have to flood
16 further upstream than Pine Flat to do it because there is a
17 tributary of the Kings that comes in below Pine Flat. It's
18 possible to build a dam there of comparable size to Pine
19 Flat and tie the two together so that they act as a large
20 increase in the storage.

21 And so granted that those yields may not be
22 accumulated as great as some of the opportunities of the
23 Sacramento. It's water that doesn't have to come across
24 the Delta, it doesn't have to be pumped south. It's water
25 that now causes flood damage.

Page 46

Page 48

1 And so I think more attention should be given
2 to that opportunity.

3 CHAIRMAN MADIGAN: Lester.

4 EXECUTIVE DIRECTOR SNOW: Actually, as a
5 result largely of Alex's concerns we have changed the way
6 we talk about storage. We used to talk about storage as
7 north of the Delta, south of the Delta, in-Delta.

8 We have changed north of the Delta to upstream
9 and by doing so that not only then is the Sacramento River
10 but also the San Joaquin and so whenever you see on any of
11 our descriptions of the alternatives the phrase upstream
12 storage it refers to those opportunities upstream on both
13 major river systems. So it includes the Sac Valley, as
14 well as those San Joaquin opportunities that Alex just
15 articulated.

16 CHAIRMAN MADIGAN: Is that it, Rick? Is
17 that it?

18 MR. SOEHRN: Yes.

19 CHAIRMAN MADIGAN: Judy.

20 MS. KELLEY: Okay. I am going to spend
21 just a couple of minutes in going over the information that
22 was included in your packet under the section "Workshop 7
23 Key Outcomes" and to reiterate and what Lester said earlier
24 we did have a very successful Workshop and there were a
25 number of things that came out of it.

1 Two areas in particular.

2 Clarifications that people felt we needed to
3 make before we went into Phase II. There is a set of those
4 in your packet.

5 And then issues of concern that need to be
6 analyzed during Phase II, which is also described in your
7 packet. So I'm just going to walk through some of these
8 issues for you in the next couple of minutes.

9 Some participants thought that the common
10 programs were intended to be exactly the same for all the
11 alternatives. So what we understand that we need to make
12 it more clear that some variations to the common programs
13 may be needed by the different alternatives.

14 So we understand that we need to clarify that.

15 A lot of folks asked us what happened to the
16 old core actions, a term that we had been using for the
17 last several months as part of our alternatives
18 discussions.

19 The Workshop packet was not particularly clear
20 on that and we need to make it clear that the common
21 programs now include the core actions.

22 There were a number of questions about concerns
23 that the draft phasing discussions seemed to show the water
24 supply projects occurring too late in program
25 implementations, water supply projects generally require

1 many years to develop, but at least in the planning design
2 phase should start in Phase 1.

3 So a revised phasing plan will be prepared for
4 each alternative which clarifies that issue.

5 Another clarification for us is priorities for
6 water storage will need to be developed. Some participants
7 thought that priorities for water storage had been set too
8 early before analysis could give them all a fair
9 evaluation.

10 Now we know that priorities for water storage
11 will be developed and we will make that more clear in
12 subsequent write-ups.

13 Temporary and permanent land conversion are not
14 methods for improving water use efficiency.

15 We've had many discussions, both internally and
16 externally about this specific point.

17 Many participants pointed out that land
18 conversion may be a method to manage overall water
19 supplies, but it should not be considered a method to use
20 water more efficiently. The BDAC work group for water use
21 efficiency will also consider how land conversion can best
22 be utilized to meet the water reliability objectives of the
23 program.

24 Temporary and permanent land conversions may
25 not be methods for improving water use efficiency. This is

Page 49

Page 51

1 an important discussion that will go on both in the work
2 group and here in the larger Council discussions.

3 Realtime monitoring has the potential for
4 improving water diversion timing but not -- but the
5 technique is still experimental.

6 A lot of discussions about the applicability of
7 realtime monitoring.

8 Lots of folks felt that there was some good
9 history on our ability to use information coming out of
10 realtime monitoring and other people were sort of concerned
11 that it's not really a proven technique at this point and
12 we don't want to overly rely on it. So realtime monitoring
13 has the potential for significantly improving water
14 diversion time but the technique is still experimental and
15 we need to make that clear in our deliberations and
16 discussions.

17 A few more areas where we needed further
18 clarification.

19 System improvements will create new water
20 supply opportunities for all beneficial uses including
21 ecosystem needs and consumptive uses.

22 Just to clarify about water supply improvements
23 will apply to all areas of our program and not benefit one
24 particular area or another.

25 Improved fish screening is included in the

Page 50

1 common ecosystem restoration program for each alternative.

2 The potential for fish screenings associated
3 with new Delta conveyance was discussed in the preliminary
4 alternatives, but it was not clear that significant fish
5 screening of existing diversions is also part of each
6 alternative.

7 Improved fish screening is included in the
8 common ecosystem restoration program now contemplated.

9 Relationships with other ongoing programs and
10 projects in the Bay Delta system will be defined.

11 That was an area that much of our documentation
12 was largely silent on and we will need to do a better job
13 of describing how this important effort will integrate into
14 other very important efforts that are already underway.

15 So those were some of the key issues that
16 people brought forward that we understand needed fairly
17 immediate clarification.

18 Another part of the discussion as part of a
19 Workshop were those issues that are not right for perhaps
20 full development at this point but certainly need to be
21 considered as part of Phase II analysis.

22 And some of these comments are that we
23 absolutely needed to include a package of assurances and
24 guarantees as part of each alternative.

25 Again, we need to address the area of origin

1 concerns and that is likely to take place in the assurances
2 and guarantees discussions. That we need to include
3 watershed management in the water quality program for each
4 alternative.

5 Again, that we need to develop fish screening
6 criteria and priorities.

7 And develop a more detailed phasing concept, as
8 I mentioned a moment ago.

9 Also, the concept of adaptive management and
10 its potential utility for us is one that was brought up
11 several times.

12 And the -- clearly the important thing here for
13 us is to devise a strategy for this, help to determine
14 exactly what we mean by adaptive management and then how it
15 would be applied as an important tool on each of these
16 alternatives. So these are some of the areas of very
17 important issues and clarifications that we did get out of
18 the last Workshop.

19 And then in addition to the Workshop
20 discussions we had a meeting with the inter-agency team
21 where a couple of these issues were further discussed and
22 Steve is going to just spend a minute talking about what
23 happened in that meeting.

24 MR. YAEGER: The Agency people after
25 reviewing the comments from the Workshops and looking at

Page 52

1 the alternatives essentially focused on these two concerns.

2 The first concern you've already heard in
3 Judy's presentation came out in the Workshops, but it was
4 again expressed in the Agency review because it's a really
5 important issue, that is, fish screening criteria and
6 priorities.

7 The difficulty at this point is that many of
8 the agencies, resource agencies that have regulatory
9 responsibilities in fisheries, have somewhat different
10 criteria for fish screening facilities.

11 So it's been pointed out to us that if our
12 program intends to address the screening issues on small
13 diversions throughout the system as well as proposed
14 alternatives that have large screening facilities on the
15 Sacramento River diversion or proposes to do large scale
16 improvements at existing pumping plants in the South Delta,
17 that we need a consolidated set of criteria in which to
18 address those facilities.

19 So this will be a high priority for us in Phase
20 II, and, in fact, that effort has been underway for several
21 months at an inter-agency group trying to craft a uniform
22 set of screening criteria.

23 The second issue is one more of clarification I
24 think than a Phase II work that's needed.

25 And the concern there was the way that we had

Page 53

Page 55

1 described alternative three, the dual conveyance facility.
 2 If you recall from your literature, we have
 3 indicated that we are going to look at isolated facility
 4 capacities from about 5,000 CFS on up to the full pumping
 5 capacity of the existing pumping plants in the South Delta.
 6 And, again, that's the existing capacity of the
 7 aqueduct south of that which would still constrain the
 8 operation to that capacity.
 9 The concern focused around a CEQA/NEPA issue,
 10 and, that is, if we wrap the larger facility in with the
 11 dual facilities in which we are looking at this full range
 12 of capacities, do we not display clearly and forthrightly
 13 the benefits and impacts of an isolated canal which matches
 14 the capacity of the existing plants.
 15 There was some concern that by putting it in a
 16 package with a set of analyses across the board that those
 17 benefits and impacts would be lost in the large matrix of
 18 analysis.
 19 I think our view on that is that there is that
 20 opportunity to display benefits and impacts. For each of
 21 those facilities we will make a special effort to make sure
 22 that they are displayed and highlighted in a way that gives
 23 full disclosure about impacts and benefits for not only the
 24 smaller isolated canal but on up to the full size, 15,000
 25 CFS isolated canal.

1 amount of loss in repeated encounters with fish screens can
 2 increase mortality.
 3 Other issues surround some policy sorts of
 4 things. At the present time there are differing views on
 5 fish screen criteria between resources agencies, Fish and
 6 Wildlife Services have got a different approach than does
 7 the Department of Fish and Game and the National Marine
 8 Fishery Service actually has a third approach.
 9 We think that these can be melded together into
 10 a single sort of CalFed policy.
 11 Another concern is which screens do you consult
 12 first. These are expensive gadgets. We want to be as
 13 efficient as possible and not all diversions have identical
 14 impacts whether they are the same size or not. Location,
 15 whether it be upstream in the watershed or down in the
 16 Delta, and even location in terms of the physical
 17 configuration of the river from which they are diverting
 18 water. The inside of the bend is different from the
 19 outside of the bend and things like that.
 20 A final issue that we are working on is that
 21 the assurances or guarantees that if a diverter cooperates
 22 with us, puts in an expensive fish screen they will have
 23 sufficient shelf life to amortize the investment and that's
 24 a serious concern and one that we're taking seriously.
 25 So those are the kinds of issues that we are

Page 54

Page 56

1 Those were the two main concerns.
 2 There were some other technical issues that I
 3 think were resolved in our Agency review, but that gives
 4 you kind of a sense of the Agency team's analysis of the
 5 alternatives as they were presented to you.
 6 Are there any questions that we can handle on
 7 Judy's issues and the ones I presented, also?
 8 CHAIRMAN MADIGAN: Stu.
 9 MR. PYLE: I wonder, Steve, if you could
 10 discuss the fish screening criteria a little more?
 11 Is that a conflict between the capability of
 12 presently operating screens, screens that you know how to
 13 build and the criteria related to some species some of the
 14 times that you believe that you'll have to deal with at new
 15 facilities?
 16 MR. YAEGER: I'm going to defer to Dick on
 17 that. I think maybe Dick can give us a little more detail.
 18 MR. DANIEL: There are actually several
 19 issues around fish screens.
 20 One is the physical capability of screening a
 21 large diversion, one over 3,000 cubic feet per second, and
 22 that's not simply a matter of multiple intakes for your
 23 diversion facility where you'd have two or three different
 24 screenings because each time juvenile fish encounters a
 25 screen there is a certain amount of damage, a certain

1 dealing with regarding the overall fish screening program.
 2 We expect to have considerable progress in the very near
 3 future.
 4 CHAIRMAN MADIGAN: David.
 5 MR. GUY: I have a question on what are
 6 these -- I am having a hard time understanding I guess what
 7 these clarifications mean.
 8 Because, for example, number five, the land
 9 conversion, it was my understanding at the last meeting
 10 that this was going to happen, that we were going to take
 11 the land conversion out of the water use efficiency section
 12 and yet we get the Workshop 7 packet, and it's back in
 13 there in just a little bit different configuration.
 14 I mean, are these decisions that have been made
 15 or what's the status of number five, for example?
 16 MR. YAEGER: I guess maybe I should just
 17 explain the context.
 18 We made an effort to not change the
 19 alternatives from the time period that they were submitted
 20 to the Workshop to the BDAC Meeting.
 21 We felt that it would be confusing not only to
 22 the stakeholders but to the BDAC members if we again
 23 changed the alternatives.
 24 So the Workshop packet essentially was
 25 reproduced in total, and you have it in your packet.

Page 57

Page 59

1 The clarifications are the modifications that
2 we have made in our thinking of the alternatives as a
3 result of Workshop 7. So that's the way that you should
4 view the way that we are looking at land conversion.

5 MR. GUY: So it's been agreed upon by
6 CalFed staff that these clarifications will in fact be made
7 to the next draft?

8 MR. YAEGER: I think we've agreed that
9 this is our recommendation to BDAC and to CalFed that these
10 modifications been made and presented as the set of
11 alternatives at the CalFed public meeting that will follow.

12 MR. GUY: Okay. Thank you.

13 MS. McPEAK: Mike, if that's the case,
14 just as process it seems to me that's a fairly important
15 issue for us to be engaged in, not simply here that staff's
16 recommending that it happen and we sit here sort of half
17 energized.

18 I mean, it is either something we are going to
19 concur in, and it's a significant issue or not.

20 And that's -- I am, I guess, asking for what
21 you would prefer as Chair. As we hear this we could note
22 it and come back and I've got a few other things on the
23 list that I've been just giving you as we go along there.

24 But I think we should take affirmative action
25 one way or another, take action one way or another on these

1 the 5,000 CFS capacity that we specified as the lower limit
2 of the range on the dual facility, on the isolated part of
3 the dual facility that we intend to look at and analyze
4 relating to I guess to -- a more specific question is
5 that -- is it appropriate at a lower level to set simply
6 because it's related to urban water, drinking water --

7 MR. GRAFF: Two questions. One is that
8 the appropriate lower level and two, how do you select the
9 best level? What criteria are you going to develop to pick
10 a number other than, you know, political compromise?

11 MR. YAEGER: The thinking on the 5,000
12 capacity, and, again, I should stress, I guess, that that
13 is not a constant capacity. We are not stipulating that a
14 canal, an isolated canal would be flowing at 5,000 CFS
15 year-round. Their operation is going to vary according to
16 hydrologic conditions, according to fisheries conditions.

17 There will be times in which there are
18 fisheries curtailments in which there will be much less
19 flow in an isolated canal and more of it perhaps will be
20 taken in the through-Delta portion of the facility, and we
21 just need to look at it from a realtime monitoring
22 standpoint to react to fisheries conditions, to react to
23 needs, consumptive needs and so forth. So that's kind of a
24 maximum physical capacity. It may not and probably will
25 not be flowing at that rate year-round.

Page 58

Page 60

1 issues and how would you like to approach it because this
2 is clearly one in which we need to have clarification.
3 There shouldn't be any ambiguity about whether or not we
4 just sat here not understanding or if our silence is
5 construed to acquiescence as it goes forward to the CalFed
6 staff.

7 CHAIRMAN MADIGAN: Silence should only be
8 construed as silence.

9 I want to bring this up under the framing of
10 our advice to CalFed and I do want to specifically bring
11 this one up. I want to flush this particular partridge
12 because there is a lot of concern that's been expressed to
13 me and others about whether in some fashion or other all of
14 this is anti-ag and I want to clarify that today.

15 Tom.

16 MR. GRAFF: I want to go back to the issue
17 that Alex brought up earlier.

18 When you look at that 5,000 CFS size dual
19 facility and you say that the number is picked because it
20 relates to the total urban use south of the Delta, why is
21 that a relevant consideration?

22 Are you going to have a situation where you are
23 only delivering water to urban areas?

24 MR. YAEGER: Again, for those of you who
25 didn't hear the question, the question was again related to

1 But, again, we selected that particular level
2 and there is no absolute reason that we couldn't look at
3 something lower than that but that's one that has been
4 talked about historically. It's related to delivery
5 scenarios that react to urban needs south of the Delta, and
6 in our mind I think it can really address a lot of the
7 urban drinking water quality issues through different
8 operational scenarios you would use on the aqueducts south
9 of the Delta.

10 CHAIRMAN MADIGAN: Jack.

11 MR. FOLEY: Steve, I look at that issue as
12 one of a design issue.

13 When you build a system to accommodate movement
14 of water or what have you, you are going to look at perhaps
15 a peak, and that -- you know, 5,000 CFS is running every
16 second every day of the year, it would probably be three
17 million acre feet or something of that range if you work it
18 out.

19 That doesn't mean you are going to run 5,000
20 CFS every second every day. You don't want to constrain
21 your design of your system to something lesser than that
22 when you know that that could be the demands. I think your
23 compatibility with what the rest of the system is capable
24 of moving is a logical way of designing it. That's a
25 capacity. That's not a take so to speak.

1 CHAIRMAN MADIGAN: Alex.
 2 MR. HILDEBRAND: I think the problem comes
 3 down to the fact that the description of alternative three
 4 includes the statement that it preserves some continued
 5 diversion from the common pool.
 6 Now, if you've got an isolated facility that's
 7 quite capable of taking the entire flow, either all the
 8 time or at some substantial portion of the time, then that
 9 statement isn't valid and there is no operating plan
 10 included in this that says how you're going to determine
 11 that you always have some water coming through the common
 12 pool.
 13 If you had an operating plan for that and a
 14 means of assuring that it would be operated that way, it
 15 would be all right. But the plan is not complete if you
 16 don't say how you are going to preserve that guarantee.
 17 CHAIRMAN MADIGAN: These are exactly the
 18 kind of comments that we want to get to under the framing
 19 of advice to the CalFed people from this organization and
 20 that's exactly the kind of comment we want to write down
 21 (indicating) so that it can be transmitted.
 22 Thank you.
 23 Bob.
 24 MR. RAAB: What Alex and Tom have just
 25 been saying, it's starting to touch on an issue of

1 considerable gravity to many of us, and so far I've found
 2 the whole matter of the Peripheral Canal in the documents
 3 that have been published so far to be much too generalized.
 4 There are so many questions that are being
 5 raised about the scale of these various proposals for the
 6 canal that I can't answer so I think that there is a need
 7 to do more intensive documentation of just what these
 8 various proposals will do in the way of delivering water
 9 around the Delta.
 10 CHAIRMAN MADIGAN: Okay. Those are the
 11 kinds of comments we are going to be looking for.
 12 Roger.
 13 MR. STRELOW: Just a little clarification
 14 rather than a comment at this point.
 15 You mentioned a recommendation for a specific
 16 watershed management program and I just wondered how
 17 specifically defined that is or whether this is just a
 18 recommendation in concept at this point or are there some
 19 specifics in mind as to the type of program it would be,
 20 regulatory versus incentives versus subsidies --
 21 MR. YAEGER: At this point it is part of
 22 our Common Program and the way that it is structured is
 23 incentives for local agencies to pursue watershed
 24 management plans.
 25 MR. STRELOW: Incentives for planning

1 would be the --
 2 MR. YAEGER: That's correct.
 3 CHAIRMAN MADIGAN: Tom.
 4 MR. GRAFF: I have a question for either
 5 Judy or Dick.
 6 On number six, conceptually is it consistent
 7 that an ecosystem restoration vision that says we are going
 8 to restore whole habitats and then say we are going to
 9 fine-tune the system with realtime monitoring for a
 10 specific species?
 11 MR. DANIEL: The utility of realtime
 12 monitoring is in reducing the conflict between diversions
 13 and productivity of fisheries. We've found over the last
 14 two years that realtime monitoring can identify periods of
 15 substantial concern, and when we have flexibility in the
 16 system, which we are trying to design into the system, we
 17 can literally shut off exports that we can't deal with in
 18 any other fashion.
 19 As far as the habitat work that we are
 20 proposing to do under the large scale ecosystem restoration
 21 program, that will be fine-tuned, altered and improved
 22 through what we are calling adaptive management, which will
 23 be an adjunct to realtime monitoring.
 24 As we learn, we will be able to modify.
 25 So that the realtime monitoring in this

1 particular context is essentially are the fish out there in
 2 front of your diversion, is there any way to deal with it
 3 other than shutting the pumps off, the answer being yes or
 4 no, then you deal with the complications associated with
 5 that and that's something that's going on right now.
 6 There were several good examples of the value
 7 of realtime monitoring over the last two years in that we
 8 were able to avoid very substantial losses of fishes
 9 through realtime monitoring and cooperative management of
 10 the Water Project diversions.
 11 CHAIRMAN MADIGAN: Roberta and then Mary.
 12 MS. BORGONOVO: There were a couple
 13 questions that I would hope would be answered.
 14 One would be the question of the fish screens
 15 again.
 16 If the maximum efficiency for screens now is
 17 2,000 CFS I just wondered why it wasn't at least considered
 18 in part of that range since you would not have this
 19 question of screens that have not been proven or relied
 20 upon?
 21 MR. DANIEL: I don't want to leave you
 22 with the impression that the maximum efficiency of a fish
 23 screen has been identified.
 24 MS. BORGONOVO: I understand.
 25 MR. DANIEL: Most of the experience with

1 fish screens have been for diversions up to about 3,000
2 cubic feet per second.

3 So we are moving into some new ground. There
4 are some engineering challenges and some answers that have
5 to be dealt with before we could say for certain that a
6 5,000 CFS fish screen would be as efficient as it needs to
7 be or a 10,000 or a 15,000.

8 It's simply an area of research that has not
9 been pursued to the extent that we need at this point.

10 MS. BORGONOVO: I guess it goes back to
11 the question of the urban need. Is it for urban drinking
12 water or is it for total urban need and just at least some
13 discussion of that.

14 But my second question also goes to CFS. I
15 know that I can find this out if I go back through all of
16 my many files, but CFS translated into acre feet per year
17 helps somebody like me and so what does that 5,000 CFS
18 mean, what does 15,000 CFS mean? It would help to know
19 what is the capacity now of the State Water Project in a
20 year, what is the capacity of the Central Valley Project.
21 So we can begin to compare some of these alternatives.

22 Are we talking about substitution?

23 Anyway, these are some of the issues I think
24 that are important for the lay person to be able to get a
25 grasp on.

1 workers that the legal requirements of CEQA/NEPA are fairly
2 obvious and known. I think that what is going to be really
3 essential along with that process as we all know, is that
4 any discussion in further depth of any of these
5 alternatives has to also be paralleled with the development
6 of some kind of institutional structure that's going to
7 assure that whatever combination of alternatives or
8 component actions that we see in September, '98 has the
9 full support of all the stakeholders, such that we don't
10 talk about isolated facility without also discussing who
11 and what and who decides and where are decisions made about
12 what water is going to move when and to whom.

13 I think we all know that but I just wanted to
14 emphasize that now that I hope that that will be an ongoing
15 central part of the discussion of this body, you know, in
16 the next two years.

17 CHAIRMAN MADIGAN: That's a yes. All
18 right.

19 All right. Thank you very much. Good
20 conversation. Let me ask at this point if there are any
21 comments by members of the public concerning this
22 discussion.

23 Dan.

24 DAN NELSON: Along the lines of Tom's line
25 of thought on the sizing of the facility I think we also

1 CHAIRMAN MADIGAN: Lester.

2 EXECUTIVE DIRECTOR SNOW: We certainly can
3 get a conversion table so everybody understands what the
4 units are and how they relate to each other.

5 But one real fundamental point that I need to
6 make is that none of these alternatives change the capacity
7 of the two export systems. So you have capacity there
8 today and none of these alternatives modify that.

9 And so a theoretical calculation of how much
10 you could move out given the capacity in alternative three
11 is absolutely identical to the theoretical you could move
12 out in alternative one or the existing situation with no
13 activity.

14 So that does not change. It's the same for
15 every single alternative. We are not modifying the
16 capacity of the two projects.

17 We are modifying how you move water around the
18 system but not the capacity of a project.

19 MS. BORGONOVO: That helps to know that,
20 to have it stated in there somewhere.

21 CHAIRMAN MADIGAN: Mary.

22 MS. SELKIRK: I just wanted to follow one
23 of the comments that Alex and Bob and Tom have made.

24 That as we move into Phase II it's obvious that
25 it's going to be essential and as we are seeing all the

1 ought to ask ourselves is 15,000 appropriate and how is it
2 that we came up with 15,000 as being the cap?

3 Because it seems intuitively that if what
4 Lester was saying earlier, that there are times when there
5 are excess flows and we want to take advantage of those
6 excess flows and to put them in certain places we may not
7 want to restrict ourselves at 15,000 CFS. So I guess I
8 would ask the same question that Tom is asking and where
9 did the 15,000 CFS come from?

10 Are we locked into that or are we open to other
11 options as we move forward?

12 CHAIRMAN MADIGAN: Okay. Thank you.

13 All right. Good discussion.

14 Let's move on to item number four, framing
15 advice to CalFed process.

16 I want to start this out by wandering through a
17 few things here.

18 Lester is going to lead this but it's really
19 important at this point that all of us get our comments
20 under the sort of the questions that Lester wants to focus
21 on on record.

22 I'm going to ask Mr. Mantell and Mr. Patterson
23 here in a minute to frame for us their hopes and
24 aspirations for the comments that you are about to make.

25 We are going to try to record those comments

Page 69

Page 71

1 not only on overheads here but to synthesize your remarks
2 so that we can come out with in most instances what I would
3 hope would be some kind of consensus comments "Yes, these
4 are questions that ought to be asked, yes, these are
5 thoughts that we have on the process" but also that there
6 would be individual comments even if that individual sort
7 of stands alone on the issue so that that message can be
8 delivered to the CalFed people as well.

9 This is one of those where I want to take as
10 much time as we need to go through the item because this is
11 a real, real important session for all of us.

12 And for those of you in the audience your
13 comments are important and appreciated as a part of this as
14 well.

15 Roger, let me ask you to give us your thoughts
16 on what you'd like to see come out of this.

17 MR. PATTERSON: Okay. I will try to do
18 that.

19 I agree with what Mike said, is that this is a
20 very critical time in the process.

21 I think CalFed in establishing the BDAC
22 recognize the value, certainly, the potential value and
23 collective wisdom of the group that was put together, and
24 it is -- it's really our hope that the recommendations and
25 advice that come out of this be better than what we would

1 Michael.

2 MR. MANTELL: Thank you, Mr. Chairman.
3 I agree totally with what Roger said.

4 I think, you know, as this group knows setup
5 through the Federal Advisory Committee Act by the Secretary
6 Of Interior and by the Governor this is the key group
7 representative of all of the stakeholders that the agencies
8 making decisions are empowered to listen to and that's not
9 to say that the other public comments are a very important
10 part of this decision making but this is the group that was
11 intended to provide the key insights to the extent that
12 there could be consensus, the degree of consensus that
13 exists and so what comes out of this group will be very
14 closely paid attention to by the CalFed team.

15 Obviously, the agencies have their own
16 statutory and trustee responsibilities that have to be
17 fulfilled, but it's hard to conceive of decisions being
18 made that don't reflect the consensus of this group.

19 I think that the issues that Lester has laid
20 out in the memo in terms of how to think about framing this
21 for CalFed are really right on target and among the most
22 important is, and, again, picking up on Roger's comment, at
23 this stage do we have the right alternatives, are they
24 broad enough in scope to encompass all that needs to be
25 considered and yet focused enough so that we can really get

Page 70

Page 72

1 have gotten individually from you and your organizations.
2 That there is some synthesis of ideas and advice that comes
3 out of this process.

4 To the degree that it is possible to build
5 consensus on issues that is our hope, that was our hope,
6 and remains our hope that we can do that, but we recognize
7 that there are a number of issues that that just may not be
8 possible.

9 And where that occurs, I think CalFed is
10 interested in knowing what those issues are and what the
11 various views are and where those various views are held.

12 We want to know those issues that you may feel
13 strongly about individually, just as well as we are
14 interested in areas where there is very strong consensus in
15 the group.

16 And I guess lastly I would say that we need to
17 keep in mind the advice that we give to CalFed. It needs
18 to be related to where we are in the process.

19 I think that's important that we acknowledge
20 where we are in the process and we provide advice that is
21 appropriate for that point.

22 We all know we have a long ways to go and this
23 is certainly not the end of the road. It's just a very
24 important point in the road for CalFed.

25 CHAIRMAN MADIGAN: Thank you, Roger.

1 to an end point and that's really the major context in
2 which you are looking at this.

3 I think that with the signing of a major ballot
4 measure for November SB 900 that will be the first measure
5 on the ballot and I know we are going to talk about it
6 later was a substantial amount of money there for the just
7 laying the foundation for this program.

8 The same spirit of collaboration that went into
9 putting that together, which is a really major achievement,
10 hopefully can be reflected in this group as it looks at the
11 alternatives and as it provides comments to CalFed and we
12 move forward in the days and months ahead.

13 CHAIRMAN MADIGAN: Thank you, Michael.
14 Lester.

15 EXECUTIVE DIRECTOR SNOW: Okay. I just
16 wanted to review the five basic questions that we have
17 framed and then go into each one individually.

18 We tried to think about the things that this
19 group has discussed and has indicated is important and then
20 also as Roger and Michael already described, what CalFed
21 needs to hear.

22 The first is simply kind of the broad
23 perspective, is the range, the three alternatives, with
24 kind of the sub-options within them. Does that represent a
25 reasonable range of alternatives to study in more detail

Page 73

Page 75

1 and see if they address the problems that we have
2 identified in this program?

3 So that's a real basic threshold issue, are we
4 basically on the right track, that's narrowed down from 20
5 to these three.

6 The second issue kind of has to do with another
7 development in the program and that is the Common Program
8 and the idea of moving away from having alternatives that
9 some have modest and moderate and extensive and moving to
10 this thought of having four common programs at basically
11 the extensive level of implementation.

12 Is that a good thing to do?

13 Is that a right way to proceed with developing
14 alternatives?

15 And then kind of as an adjunct to that the
16 issue of staging. Is it the way we have this set up and
17 then each alternative talks about the staging where you
18 step through implementation of these programs, rather than
19 saying you do it all at once, that you work your way
20 through these programs and you implement them in a staged
21 fashion.

22 The fourth issue is actually something that we
23 haven't talked about a whole lot but it's actually directly
24 related to the charter for this group and that is just your
25 opinion and advice about our public involvement, have we

Page 74

1 gotten the right publics involved, have we outreached in a
2 proper fashion. Are there better things that we need to do
3 for Phase II?

4 And then the fifth question is very important.
5 We've already had issues brought up this morning about what
6 is it that needs to be addressed in Phase II? what kind of
7 analysis? What are the issues that we need to make sure
8 that we analyze?

9 There's already been considered discussion
10 about an isolated facility and what needs to be considered
11 about that and what we need to work on and so this kind of
12 the question where we need to capture those kinds of issues
13 to make sure we've got a list that we can present to CalFed
14 and say, you know, here's what we have to do in Phase II.

15 If we don't cover these issues, we are going to
16 start losing people that think we're not looking at the
17 right problems and the right types of analysis.

18 So those are the five basic questions we want
19 to work our way through, starting with the whole issue of
20 do the three alternatives that we have developed represent
21 kind of the breadth of alternative that need to be taken
22 into the modeling and analysis phase into the programmatic
23 level.

24 So with that we're ready to write and respond
25 to comments or concerns.

1 I think as Michael indicated, basically I want
2 to try to get a sense overall if we are basically in the
3 right place on this if that's kind of the general feeling
4 of the group but also to record specific concerns that
5 people have so we are tracking both of those things.

6 MR. HASSETTINE: Mike and Sunne are both
7 out of the room temporarily and Mike asked me to fill in.

8 So, Alex, go ahead.

9 MR. HILDEBRAND: After I received the
10 packet for today I wrote a note to Lester. I would like to
11 review the thrust of that with you because I feel that a
12 lot of good work has been done and that we've made a lot of
13 progress but that we are really not quite as far as we are
14 trying to be here and that we better not rush it.

15 Let me just read some portions of my memo.

16 Despite best efforts we don't really have three
17 defined alternatives.

18 We have combined a broad array of possible
19 components into two groups.

20 One is a group of sub-alternatives preserving
21 the Delta -- is a group of sub-alternatives that provide
22 physical assurance that the common interests in preserving
23 the Delta will be maintained due to dependence on a common
24 pool of water.

25 The other group involves major isolated

Page 76

1 facilities such that maintaining a common interest in
2 preserving the Delta will be dependent on operational
3 assurances that have not yet been devised and may not be
4 enforceable.

5 As Michael said, I think that we are covering
6 all of the options but we haven't focused it down to
7 something we can really get our teeth into yet.

8 We have not made the choices within each of
9 these groups that are intended to define and seek to
10 optimize sub-alternatives which can then be studied and
11 compared.

12 We have not even identified the assessments
13 that must be made for each component, including each core
14 component before it can at some appropriate level be firmly
15 included in any alternative.

16 My experience has been that when we have even
17 programmatic EIS's let alone the kind of thing we are
18 talking about right now that if you don't spell out what
19 further impacts have to be analyzed, assessments have to be
20 made, they intend to get overlooked later on and you end up
21 with a Fonzie and you go ahead and do it.

22 For example, there is as yet no recognition
23 that converting agricultural land to flooded land in the
24 Delta will evaporate significantly more water and thereby
25 reduce water supply and that marshland evaporates even

Page 77

Page 79

1 more. This must be assessed.

2 There is no explanation of why environmental
3 water is proposed to be acquired from three of the four
4 water -- San Joaquin tributaries rather than from users of
5 DMC water whose purchased water could then be released to
6 the river without reducing some summer river flow.

7 What is the potential under each
8 sub-alternative for reducing the bromides and chlorides in
9 exported water which derive largely from Bay water?

10 What is the evidence that the quote "Efficiency
11 program will substantially reduce the dependence on the
12 Delta for export" end of quote?

13 Why is there no mention of the pollution and
14 drainage from the wetlands? This is a serious problem in
15 the San Joaquin Valley.

16 Why is there no discussion of compliance with
17 water right priorities under State water law?

18 I previously mentioned another examples.

19 There are also some policy questions on which
20 no consensus has even been sought.

21 Should CalFed presume to decide that water
22 should be reallocated from agriculture to urban
23 environmental purposes. If so, what is the justification?

24 Why is reliability assumed to be essential for
25 municipal industry but not for agricultural in rural

1 The staff has done a great job in public
2 involvement but these Workshops are primarily brain
3 storming sessions. The ideas and perceptions they provide
4 must then be subjected to more deliberate scrutiny
5 regarding feasibility impacts, interrelations, et cetera.

6 I believe that BDAC can contribute more and
7 have a much better chance for later consensus if we first
8 discuss basic policy questions and the pros and cons at an
9 appropriate level of each component, that type of
10 component. Let us not make choices before we have agreed
11 on policies and before we have enough information for wise
12 decisions and let us not pretend to have made choices we
13 have not really made.

14 I conclude by indicating that my intent here is
15 not to be disruptive and it is not a lack of confidence in
16 the staff.

17 I don't know of anyone who could do this
18 difficult job better than Lester so I'm not trying to throw
19 rocks at anybody.

20 CHAIRMAN MADIGAN: Thank you, Alex. I
21 wonder if you could put that in writing so that we
22 can -- little joke.

23 Lester, would you want to respond?

24 EXECUTIVE DIRECTOR SNOW: Yeah. I mean,
25 Alex has submitted a very thoughtful letter and raised a

Page 78

Page 80

1 communities.

2 When we talk of improving water supply to what
3 uses do we plan to increase it and are we going to ignore
4 the declining rate of Delta inflow and the decline of per
5 capita water supply resulting from population growth?

6 What population are we planning for?

7 Are we going to ignore the long-term
8 consequences of failure to provide a salt balance in the
9 non-coastal areas that receive the salt load that is
10 contained in Delta water and urban waste water?

11 Are we willing to degrade Delta water in order
12 to facilitate treatment of water which is exported for
13 urban use and then treated for potable quality before it is
14 used for potable and non-potable purposes?

15 It is certainly appropriate to give the CalFed
16 policy committee a progress report. The BDAC has I believe
17 given tacit approval to the grouping of alternatives and
18 the list of components to be considered. However, I don't
19 believe we have yet the information needed to make choices
20 even as to the firm inclusion of some classes of components
21 in alternatives.

22 Furthermore, the staff appears to have made
23 policy decisions regarding which it has not solicited input
24 from the BDAC. It is regrettable that we are not further
25 along but that is because the subject is so very complex.

1 lot of issues.

2 Now, the way that we look at that and I think
3 this is an important issue to discuss, is that many, if not
4 in fact all of the issues that Alex raises, we feel is what
5 Phase II is all about. The issue of what are the impacts
6 of converting ag land to wetlands and how much additional
7 evaporation do you get and what kind of drainage comes out
8 of the wetlands in terms of total organic carbons.

9 In our opinion that's what Phase II is for.
10 You set up the models to then start running these to start
11 developing the data base with which to make decisions.

12 And so the track that we are on is let's get
13 together the basic components that make sense that seem to
14 fit together and then do the modeling and analysis that's
15 necessary to come up with that kind of information.

16 What are the -- to use one of his examples, you
17 know, creating a lot of wetlands sounds good for the
18 ecosystem but what does it do for water quality and those
19 are issues that we need to run to ground in Phase II.

20 So our general thought -- and this probably
21 isn't an item by item to Alex's list -- but in general the
22 issues that he raises go on our list of things that we need
23 to make sure we develop the analysis for in Phase II.

24 So that's a very general response to those
25 kinds of issues.

1 MR. HILDEBRAND: Lester, I agree that a
2 lot of this has to be done in Phase II, but it concerns me
3 that in Phase 1 we haven't identified these assessments
4 that need to be made so that we are sure that they are
5 going to be addressed.

6 I have no quarrel with putting off the
7 assessment. It's outlining what assessments must be made
8 it seems to me should be included in Phase 1.

9 EXECUTIVE DIRECTOR SNOW: Okay. Well,
10 maybe what we could do is those specific issues of concern
11 we make sure that we list and then we have already set up
12 kind of a standard way of dealing with NEPA and CEQA that
13 require you to look at a lot of those kinds of impacts that
14 we kind of take as standard operating procedure.

15 But I think if BDAC wants to make sure that
16 certain kinds of assessments are being made that's worth
17 listing today and we can kind of try to generate a list of
18 stuff that we already have underway in terms of developing
19 the models, the economic impacts, water quality impacts,
20 fisheries population, I mean, we are pouring over that kind
21 of stuff now and I think it's worthwhile for BDAC to
22 emphasize what it wants to see analyzed.

23 MR. HILDEBRAND: I guess part of my
24 concern stems from having met and having had discussions
25 with the programmatic EIS group and learning that they were

1 and so when we talk -- you know, we heard that the
2 ecosystem restoration Common Program was the
3 most -- you know, the broadest program of its sort of
4 undertaken before and it includes hundreds -- you know,
5 many, many different things. Like it includes watershed
6 management. It includes creating wetlands. Well, with
7 watershed management are we simply, as someone said
8 earlier, providing incentive to do planning or are we going
9 to actually see some watershed management and improvement
10 take place as a result.

11 When we talk about water markets what really
12 does that mean. When we talk about land retirement to
13 improve water quality how will that -- what level of
14 implementation are we talking about?

15 It seems to me that there is still just
16 tremendous variability here and so I sort of do have a
17 sense that we need to do a little more work in defining
18 what these alternatives mean. Otherwise, I think you get
19 the sense that we are all moving down a road and there is
20 going to be this EIR/EIS process that like many other
21 public processes that we've seen could sort of come to its
22 own conclusions and take on a whole life of its own.

23 And so I do think that there needs to be
24 continued discussion about what all of the many different
25 actions that are contemplated do involve and that I don't

1 not aware of some of the need for some of these
2 assessments. So I think if the BDAC's going to be assured
3 that all of the necessary assessments are made we have to
4 have some indication, some listing of what these
5 assessments are going to be.

6 EXECUTIVE DIRECTOR SNOW: okay.

7 CHAIRMAN MADIGAN: Thank you.

8 Roberta and then Judith.

9 MS. BORGONOVO: Several of us in the
10 environmental community like the way in which the whole
11 ecosystem restoration is being undertaken, but we do have a
12 concern that the Delta component of the ecosystem
13 restoration and system integrity program is not adequate to
14 achieve the CalFed program mission, meaning that it still
15 needs more large scale components so Gary Bobker will speak
16 to that specifically and will be much more specific about
17 ways in which we think that whole program might be
18 addressed.

19 CHAIRMAN MADIGAN: Thank you. Judith.

20 MS. REDMOND: I think what may be relevant
21 to this discussion is just my sense that we do need to
22 further define what some of the alternatives mean, that I
23 don't necessarily think we've got a good understanding of
24 what they mean because there are literally hundreds of
25 different actions included in the whole set of alternatives

1 have a solid enough sense of what they really mean and
2 what's really contemplated in some of these cases.

3 EXECUTIVE DIRECTOR SNOW: I think one of
4 the issues that we are discussing is the difficulty that we
5 have had all along with the level of detail, where are we
6 on a spectrum of detail, and at times we are at a very
7 conceptual level and other times we want to be talking
8 about which acre of land for which type of habitat and
9 which specific watershed management technique, whether it's
10 managing grazing along stream side or whatever.

11 And I think it's important in terms of our
12 three phased program to recognize that we are moving
13 through that kind of process to be grouping concepts
14 together to be adding detail to them getting to a point
15 where we could start analyzing and then moving on to where
16 you start getting project specific.

17 And I guess it's difficult to figure out, you
18 know, what's the proper level to make a certain decision
19 at?

20 But we are headed into a programmatic and so
21 it's difficult to have, you know, detailed project impact
22 kinds of information until you've seen what the cumulative
23 impacts of a basic program would be.

24 So I'm not sure how to totally satisfy the
25 issue that you raise without going and doing some of the

Page 85

Page 87

1 detailed work before we've done a programmatic analysis.
 2 And so to some extent we are kind of joined
 3 together in this together, you know, all the way through
 4 the programmatic to be making these judgments, including
 5 component refinement, as I mentioned earlier, with kind of
 6 the three parallel paths that we are on and hopefully we
 7 will develop that all in parallel.

8 And I don't know if that satisfies the issues
 9 that you are raising but we are constantly going through a
 10 component refinement process at the same time we are trying
 11 to start doing the analysis that Alex has raised, for
 12 example, with respect to the impacts of the basic programs.

13 MS. REDMOND: Well, it just seems like
 14 it's such an ambitious undertaking that having it -- at
 15 this point having it taken over by a set of technicians who
 16 are doing some kind of environmental analysis, I think it
 17 would be very -- we need to be cautious about that, and
 18 that the process of -- that you set up here with BDAC
 19 really does need to continue at every step along the way.

20 There is just so many, as I said before,
 21 different actions contemplated that putting them all
 22 together and figuring out what impact they are going to all
 23 have when you put them all together just seems very
 24 ambitious and maybe all, you know, we do just -- we can't
 25 move too quickly, I think.

Page 86

Page 88

1 EXECUTIVE DIRECTOR SNOW: Actually, the
 2 way you just framed that, it's a good way to put it.

3 This afternoon we planned on discussing the
 4 component refinement process, which clearly shows that both
 5 the work groups and the Bay Delta Advisory Council as well
 6 as Workshops are in the critical path for refining the
 7 detail of each of these components.

8 And so the way that you can think about it is
 9 we start the analytical process to generate the data that
 10 everybody has wanted.

11 At the same time we are on a path for providing
 12 the kind of detail you are suggesting and BDAC is in the
 13 critical path of that, as well as a Workshop in each of the
 14 major areas and so we intend to keep the collaborative
 15 process going rather than some NEPA nerd that's going off
 16 in a corner and coming up with a best solution or NEPA
 17 ninjas, whichever you prefer.

18 CHAIRMAN MADIGAN: Tom.

19 MR. GRAFF: I am a little puzzled about
 20 what we are doing here. Do you want a motion that says
 21 yes?

22 CHAIRMAN MADIGAN: No. No.

23 What I want is a series of comments that are a
 24 fairly accurate reflection of the thought of the group. I
 25 don't expect any of us to say, "Yeah, sure enough, this is

1 just what we want" but I would like to get a sense of,
 2 yeah, that's fair. Here are some concerns that we have
 3 about it that reflect either a fairly diverse group that
 4 are in here or even a single interest.

5 MR. MANTELL: Mike, if I could elaborate
 6 for a minute?

7 CHAIRMAN MADIGAN: Yeah, Michael.

8 MR. MANTELL: The CalFed management team
 9 is meeting over the course of the next couple weeks,
 10 particularly with the meeting on July 29th that will also
 11 involve a public session.

12 At that meeting we want to be able to make some
 13 decisions about how to move forward on the next phase of
 14 this program and we have asked Mike Madigan in his capacity
 15 as Chair to come to that meeting and represent -- present
 16 the thoughts of this group.

17 He probably will file a formal letter but also
 18 to discuss with us where he thinks this group is, either in
 19 terms of agreement or disagreement so that that can be a
 20 part of our decision-making process.

21 So that's what I would hope that this group is
 22 is orienting towards.

23 CHAIRMAN MADIGAN: Rosemary and then Tom.

24 MS. KAMEI: Yes. I guess the message that
 25 I would like to send back to CalFed is that as we proceed

1 forward this is really sort of the bones.

2 We haven't really had a lot of detail and as we
 3 move forward I think that it will crystallize in the
 4 programmatic stage but it is just a range and keep in mind
 5 that it is still very broad and because we are moving
 6 forward doesn't mean that as we get more refinement that we
 7 are not going to like what we are going to see.

8 And so just to reiterate the fact that we may
 9 not be all sort of moving forward with the next step that
 10 we do see.

11 CHAIRMAN MADIGAN: Thank you. Tom.

12 MR. MADDOCK: I believe that the range of
 13 alternatives here is pretty close and I tend to agree with
 14 Dan Nelson's comment that I wouldn't be sure that the upper
 15 limit here on the dual facility is really what is suggested
 16 for the reasons that he's stated.

17 I suppose I'm willing to accept the fact that
 18 these issues that Alex brings up, maybe we ought to have a
 19 checklist of these issues, and I can see as we go through
 20 this that as we analyze them one important issue is going
 21 to come up and that's going to be how much is this thing
 22 going to cost and what are we going to get for it but I'm
 23 willing to accept that process and go through it, and I
 24 think the hardest thing at this point in looking at the
 25 alternatives is really what is the definition and the

Page 89

Page 91

1 measure of achievement of ecosystem restoration?
 2 I mean, I can understand if we need to build a
 3 reservoir, okay, how big is it and what will it yield?
 4 Or if you are going to build some channels.
 5 But I suppose the hardest area, perhaps for all
 6 of us, is what do we mean and how do we quantify Delta or
 7 ecosystem restoration?
 8 I'm willing to accept this range of
 9 alternatives but with the caveat of do we have the right
 10 upper limit here on the number three?
 11 CHAIRMAN MADIGAN: Thank you.
 12 David.
 13 MR. GUY: I think we are all in this
 14 incredible quest for certainty and for detail and where
 15 obviously it's not there at this process and there is, of
 16 course, I think that we can all look at and find things
 17 that we don't like with some of the details in here, that
 18 are in here, but it seems to me the more important question
 19 at this time is that each group or individual or
 20 organization, whatever it might be, needs to I think look
 21 at this in the big picture and say, you know, are we moving
 22 forward, because that is in fact the intent of the process
 23 is for everybody to be moving forward and feel that they
 24 are going to get something out of it and I think that
 25 that's what's really important.

1 what the status is of the land retirement question. But
 2 then I'd like to flush what other questions you have that
 3 do lead you in that direction so that we can answer them so
 4 that we can go on.
 5 Don, I'll get to you --
 6 MR. BRANSFORD: If I could just add one
 7 other thing to your comment so that when Lester
 8 comments -- earlier I heard when we were talking about land
 9 retirement or ag land retirement on the alternative was
 10 conservation easements and I would like you to address that
 11 issue, too, because in our area we look at conservation
 12 easements the same way that some people look at land
 13 retirement as a decrease in productive ag land and so I'd
 14 like to you address that issue, also, in the context
 15 EXECUTIVE DIRECTOR SNOW: Actually, I
 16 don't recall the way conservation easements was discussed.
 17 Was that in the ecosystem program?
 18 MR. BRANSFORD: Uh-huh (yes).
 19 EXECUTIVE DIRECTOR SNOW: Because there is
 20 another concept that's come out of the San Joaquin Valley
 21 on not conservation easements --
 22 MR. BRANSFORD: I was thinking in the
 23 north.
 24 But in the Sacramento Valley we have plenty of
 25 habitat, we believe habitat, and so we don't look favorably

Page 90

Page 92

1 And I'll just use an example, one that I'm
 2 going to keep bringing up.
 3 If you send a message to the agricultural
 4 community that you are going to start retiring significant
 5 amounts of land, that sends a real strong message that we
 6 are not moving forward for agriculture. We are, in fact,
 7 moving backwards.
 8 And so that's why it seems to me that the
 9 process needs to go into the more detailed Phase II and I
 10 think we're -- you know, that has to happen. Otherwise we
 11 can sit here and argue for the next two years on Phase I if
 12 we don't, but at the same time I think there are a couple
 13 of very important decisions that need to be made right now
 14 to go into Phase II to assure that every group is, in fact,
 15 moving forward, and I think -- I hope the comments from the
 16 different people have reflected that.
 17 CHAIRMAN MADIGAN: Actually, that's a good
 18 question, and I want to spend a minute on that with Lester.
 19 I have heard from more than one that there is a
 20 concern that we are in the mode of large scale land
 21 retirement and that, therefore, this program is at its
 22 heart anti ag and I want to deal with that today because I
 23 don't want to go forward into Phase II with any lingering
 24 notions or doubts around here that that's the intent of
 25 this process and so maybe for starters we ought to discuss

1 upon additional conservation type easements and I'm a
 2 little unclear as to where you're going with that.
 3 EXECUTIVE DIRECTOR SNOW: Okay. Rick, I
 4 think you brought up the other concept. Why don't you
 5 describe it.
 6 MR. SOEHRN: If I said conservation
 7 easement, I misspoke. The concept that I was thinking
 8 about was a conservation reserve program, where you might
 9 include a variety of techniques, including locational
 10 temporary fallowing, perhaps voluntarily moving to crops
 11 that use less water in order to reduce demand in a
 12 district, not a conservation easement.
 13 CHAIRMAN MADIGAN: Okay.
 14 EXECUTIVE DIRECTOR SNOW: On the general
 15 issue of the role of land retirement, there is a couple of
 16 ways for me to start dealing with that.
 17 One I think is a result of our scoping and
 18 general discussion with people.
 19 We have concluded that there can be a role,
 20 there is a role for land retirement in the water quality
 21 component and it's one among many tools that can be
 22 utilized to deal with drainage issues. It's not the
 23 exclusive tool.
 24 With respect to particularly the program of
 25 water use efficiency, the argument has been made and I

Page 93

Page 95

1 think it's a compelling argument that simply doing away
2 with the use is not a water use efficiency. It's something
3 other than that.

4 And so I think -- maybe to back up a step, I
5 think this issue of where we are with land retirement has
6 been evolving pretty steadily over the last 60 to 90 days.

7 Certainly, a conclusion that there is not a
8 role for large scale permanent fallowing in the CalFed
9 Program and I think the program has been evolving that if
10 there is consideration of permanent fallowing as a
11 mechanism it is part of a local deliberation in the form of
12 an integrated resources plan or something along those
13 lines.

14 The issue of temporary or rotational fallowing
15 is quite different and can be part of the drought program.

16 And that's probably not real definitive but I
17 guess what I'm suggesting is that the policies and
18 definitions we've developed around the water use efficiency
19 program, permanent land retirement as a key component of
20 this program does not fit in. It can be a consideration of
21 the local agencies. Rotational fallowing or temporary
22 fallowing can fit into the definition but permanent
23 fallowing does not and I don't know if that's enough of a
24 clarification on that. This is something that we are still
25 discussing through the water use efficiency work group but

1 people who otherwise take water from the Delta Mendota
2 Canal and release that water instead to the river and then
3 you don't affect the summer flow.

4 But although this point has been raised a
5 number of times it continues to be totally ignored.

6 There is no indication of any reassessment of
7 what it does to agriculture to acquire this water in the
8 tributaries. So there is still other things in here. I
9 won't go through the whole litany, but agriculture is just
10 bashed up and down.

11 EXECUTIVE DIRECTOR SNOW: Let me address
12 that last issue most specifically.

13 If it is determined that paying a farmer what
14 he asks for his water supply is anti-agriculture, then we
15 have that in this plan.

16 If it's the wishes of BDAC to say to the
17 agricultural community "You may not sell your water", then
18 and that's interpreted as friendly to ag, then we are not
19 on the right track in terms of our draft.

20 Our draft clearly would indicate that a willing
21 seller, a willing buyer can enter into arrangements and the
22 Westlands Water District can enter into agreement with the
23 Friant Water District and a water transaction can take
24 place.

25 And so that's a real fundamental issue this

Page 94

Page 96

1 I think that's the trend that we have seen in that program
2 and those definitions.

3 CHAIRMAN MADIGAN: Alex.

4 MR. HILDEBRAND: There are a couple things
5 here that as land -- permanent land retirement isn't the
6 only way this program is bashing agriculture.

7 As Lester says, there is this prevalent
8 attitude that it's okay to shut down agriculture during the
9 drought but it isn't okay to set down other things and the
10 agricultural industry can't recover from prolonged
11 shutdowns whether they are rotational or not. Either your
12 suppliers go out of business or your employees leave the
13 country because they have no way to make a living. It's
14 just a fallacious notion that there is no problem for
15 agriculture to shut down in order to make water reliable
16 for other people.

17 And then there is this business that in these
18 alternatives it still, I believe, talks about acquiring a
19 1,000 acre feet or something of that magnitude from the
20 water short tributaries in the San Joaquin.

21 You don't create any water that way.

22 What you do is you shift water from agriculture
23 to something else, and consequently you take water away
24 from agriculture in the summer and if you want to acquire
25 water for San Joaquin River flow, why not buy it from

1 group needs to deal with. If a free market transaction is
2 anti somebody, then we clearly have that in our program.

3 In terms of the issue of because of the drought
4 agriculture needing -- an agricultural district needed to
5 consider temporary fallowing, we also expect that to be
6 happening in the urban areas. We expect drought
7 ordinances. We expect cutbacks in outdoor irrigation. We
8 expect golf courses to let their roughs go brown.

9 Most of the major cities have ordinances to
10 that effect so it's not being isolated to the agricultural
11 community. That's being focused on all water users.
12 You've got a drought and you need to take extraordinary
13 measures during the drought to respond to that.

14 But I think the fundamental issue that Alex has
15 brought up is if we are interpreting free market
16 transaction as being anti-agriculture then we do have that
17 in our program.

18 CHAIRMAN MADIGAN: Is that a commonly
19 shared feeling around here?

20 MR. BRANSFORD: Which?

21 CHAIRMAN MADIGAN: That those sorts of
22 free market transactions are in fact being viewed as
23 anti-ag?

24 MR. HILDEBRAND: The discussion is always
25 ag giving up the water, not somebody else. I never hear

Page 97

Page 99

1 anybody, until just now, say we might shut down the golf
2 courses even. This business of the --

3 CHAIRMAN MADIGAN: It's been on the books
4 for a while, Alex.

5 MR. HILDEBRAND: -- of the third party
6 impacts a willing seller is a serious issue. At our last
7 meeting we distributed the proposed model transfer act and
8 part of that is to say that the sellers will decide whether
9 there is a third party impact and if you sell water on the
10 San Joaquin tributaries, for example, to agriculture water
11 and let it down for fish instead of in the spring when we
12 don't need it, instead of letting it come down in the
13 summer, a lot of us don't have any flow in the summer
14 except the return flow from ag. There are enormous third
15 party impacts. It also affects the temperature in the
16 stream. It affects the direct ecological effects as well
17 as agricultural effects.

18 So all along you look at these things and you
19 find they are all tilted to the adverse to agriculture.
20 This program as it's now set up is very adverse to
21 agriculture. Whether it's beneficial for somebody else or
22 not it's adverse to agriculture.

23 CHAIRMAN MADIGAN: Tom.

24 MR. GRAFF: I guess everyone is entitled
25 to his opinion.

Page 98

Page 100

1 The general comment I was going to make earlier
2 kind of echoed a couple of comments that I heard around the
3 table.

4 One was Michael Mantell's, saying that he
5 wanted to see this program continue along the lines of the
6 consensus efforts that just led to SB 900.

7 In light of Alex's comments I'm sort of
8 wondering where he is coming from. I was going to make a
9 little speech praising State Senator Costa and Secretary of
10 State Jones as the main sponsors of SB 900 which EDF and
11 other environmental organizations also helped out on, but a
12 major component in SB 900, as I'm sure we'll hear later in
13 the day in more detail, is essentially a blanket
14 endorsement of this process, of the Bay Delta program and
15 this process.

16 Last I heard State Senator Costa and Secretary
17 of State Jones were not eco freaks in their general
18 orientation.

19 CHAIRMAN MADIGAN: Or necessarily anti-ag.

20 MR. GRAFF: Or even anti-ag. I also,
21 however, thought that Judith's comment was salient and it
22 kind of bears here.

23 You know, each of these particular issues,
24 including, you know, free market in water which EDF
25 generally supports has complications. There are third

1 party impacts, impacts on communities, impacts on the
2 environment, and I have a lot of confidence at this point,
3 anyway, in Lester and his staff to look into those and as
4 we go down the road in -- on particular programs and
5 approaches and, oh, if that means we've got to look at
6 impacts on the South Delta, we can look at those.

7 MR. HILDEBRAND: I am not opposed to
8 SB 900.

9 CHAIRMAN MADIGAN: Dan Nelson had his hand
10 up.

11 Dan first.

12 DAN NELSON: Yes, first of all, I
13 think -- I thank you for the opportunity to be able to air
14 some of this out because I do think the timing is
15 appropriate. We are at a pivotal stage in CalFed and the
16 discussion is appropriate because agriculture is sensing a
17 disconnect from CalFed and is becoming leery with the
18 direction that CalFed is headed and I think it's worthwhile
19 to take note of that and to address it one way or another.

20 Some of the indications -- or some of the
21 things that agriculture looks at at CalFed sort of
22 scratching its head is it's our understanding that what it
23 is we collectively are all doing here are working on the
24 ecosystem, parallel with that we are working on improving
25 water quality and parallel with that we are working on

1 increasing the supply for California for the future.

2 Those three things it's our understanding have
3 to move along together.

4 Well, frankly, agriculture is looking at the
5 CalFed process and sees a tremendous amount of emphasis on
6 ecosystem restoration, as Dick Daniel mentioned earlier,
7 this is probably the most innovative and progressive
8 program the United States has ever seen. We've seen a lot
9 of emphasis on water quality but we've seen sort of a
10 finessing of the water supply elements of what it is we are
11 trying to do in CalFed and it's almost sort of a trust me,
12 we are going to be okay at the end of all of this approach
13 to agriculture on their water supply concern.

14 And what enhances that is not only are we
15 reluctant to talk about increasing the water supply, at the
16 same time we are talking about land retirement. And so I
17 mean, it shouldn't come to any surprise to folks that
18 agriculture is getting a little leery of where it is that
19 CalFed is headed on those two specific issues.

20 Last but not least and again I might be getting
21 on some real thin ice here but agriculture, frankly, looks
22 at a lack of sensitivity, maybe a lack of expertise within
23 CalFed staff on agricultural issues. They've got a
24 tremendous staff for ecosystem restoration. They've got
25 some great background for urban quality but, frankly, we

Page 101

1 are not seeing the agricultural type people or the water
2 supply type people within that staff as possibly a reality
3 check and that is looked at as problematic amongst
4 agriculturalists.

5 These are all the things that, again, we
6 appreciate the opportunity of bringing this up and airing
7 this out. These are pivotal issues and they do need to be
8 addressed.

9 CHAIRMAN MADIGAN: I don't want anybody to
10 leave this room today with the notion that this program is
11 anti-ag so I want to take the time that's necessary to air
12 those kinds of concerns and I thank you for that.

13 Tib.

14 MR. BELZA: I wanted to go back and
15 address the water transfer issue. That we don't view
16 that -- the constituents I represent don't view that as
17 anti-ag done properly with assurances. The one thing we
18 see and always have thought of as anti-ag was user
19 initiated water transfers. Done properly we feel that they
20 can be a component and work successfully as they have in
21 the past.

22 CHAIRMAN MADIGAN: Mary.

23 MS. SELKIRK: I have a comment with regard
24 to water efficiencies so --

25 CHAIRMAN MADIGAN: Time out.

Page 102

1 MS. SELKIRK: All I wanted to say is that
2 I can reserve my comments. They're not specifically with
3 regard to ag so I'll pass on to or defer to somebody who
4 wants to speak on that issue. What I have to say I think
5 relates, but it's not directly related to this.

6 CHAIRMAN MADIGAN: Yes, sir, I will get to
7 you. We will have a public comment period on this.

8 A SPECTATOR: Do you want me to make a
9 brief comment about this thing between agriculture and
10 BDAC?

11 CHAIRMAN MADIGAN: No, I don't.

12 A SPECTATOR: Okay.

13 CHAIRMAN MADIGAN: I do but I don't while
14 I've got the members of the BDAC who are still commenting.

15 I will call at the end of this for public
16 comment, though.

17 Mary, was that it then?

18 MS. SELKIRK: Let me go ahead and say what
19 I was going to say.

20 CHAIRMAN MADIGAN: Sure, go ahead.

21 MS. SELKIRK: I think one of the things
22 that I would like to ensure that CalFed and BDAC together
23 pursue in this next phase is to more clearly define the
24 relationship on the urban side with regard to this whole
25 issue of water use efficiency, that there is a well defined

Page 103

1 relationship between the urban water conservation Council
2 and CalFed with regard to defining a common language around
3 reliability, and this in some respects I think follows out
4 a lot of Alex's comments because there has been less -- I
5 think less of a really detailed look at both the capacity
6 for establishing reliability through water conservation,
7 and this has to do with some of the comments that Roberta
8 made earlier, that reliability can also -- it's a matter of
9 policy and philosophy that we look at kinds of
10 reliabilities that can be established through water that's
11 saved, and I think that behooves us to look beyond the 20
12 year timeline. What I found as I looked at these
13 alternatives was that timeline began to grow and grow and
14 grow.

15 When I started thinking actually about what
16 kinds of decades are we talking about in terms of staged
17 implementation, certainly with regard to Delta restoration,
18 we are talking decades.

19 And I think that's good. I think that is the
20 paradigm from which we should be operating.

21 So I think that there is a job to be done in
22 the water use efficiency sub-group work group,
23 specifically, with regard to how urban best management
24 practices are going to be implemented across the state.

25 There is a lot of discussion in that group with

Page 104

1 regard to what that's going to look like.

2 I think that the CalFed staff has both a need
3 to respond to but also provide some leadership on the urban
4 side with regard to all of the kinds of practices that you
5 were mentioning, Lester, that are at this point variously
6 assumed, you know, drought practices, drought supply,
7 delivery, all of that. There is a huge variation across
8 the state, some of which is inevitable.

9 But I think that in order to -- I think to
10 provide -- to create greater credibility in this process
11 there has to be a very, very careful look over the next
12 couple of years in how we are going to define efficiencies
13 in water use in California.

14 I understand that we are not here to solve the
15 problems of the State but we are dealing with the ultimate
16 bottleneck for the State.

17 CHAIRMAN MADIGAN: Thank you.

18 Judith and Bob Raab and then Steve Hall.

19 MS. REDMOND: Yeah, I think part of -- it
20 kind of goes back to the original comment so I'll be really
21 brief.

22 When David was speaking he said, you know, that
23 what we are all looking for is a high level of detail and I
24 think that's not actually what I'm pointing out in term of
25 increasing the level of confidence. I think in order to

Page 105

Page 107

1 increase the level of confidence it's more that we have to
2 be careful about the language that when we say watershed
3 management, I'm just using that as an example because it
4 came up earlier, making sure that everyone here understands
5 what's meant by watershed management same as when we say
6 land use retirement, what really is intended and there are
7 so many different components to all of the alternatives
8 that I have the sense that some of them might just get
9 lost. Some of them might be, you know, implemented to a
10 very high degree and others not at all because we haven't
11 really talked about them and understood them as we go
12 along.

13 So I tend to see us as an advisory group that
14 maybe doesn't get too involved in a really deep level of
15 detail and more that in order to give us some confidence
16 about the direction here, that we have to ensure that there
17 is a level of understanding regarding the specific actions
18 and what they really mean and what the range of
19 implementation scenarios are.

20 And I just don't feel like we have that
21 understanding yet but that as we move along we just have to
22 keep talking about that.

23 CHAIRMAN MADIGAN: Thank you.

24 Bob.

25 MR. RAAB: I have some feedback and some

Page 106

1 impressions based on this feedback from several Workshops
2 that I've been involved in with several of the Bay Area
3 conservation organizations.

4 First, I want to make it quite clear that there
5 is no criticism of Lester and CalFed --

6 CHAIRMAN MADIGAN: You know, it's okay to
7 criticize Lester and CalFed. You guys all treat him so
8 nicely.

9
10 (Off-the-record discussion)

11
12 MR. RAAB: There is very little awareness
13 of the CalFed Program. There is very little comprehension
14 of the alternatives and parenthetically I think that's
15 inevitable because I think we just at the start of going
16 into Phase II, as far as comprehension in general public in
17 the Bay Area.

18 What these people are thinking about is still
19 the Peripheral Canal and flows and is there going to be
20 more exported water from the Delta for Northern California.

21 What are the effects of these alternatives on
22 the Bay? What about the water quality in the Bay?

23 And parenthetically nothing is being said in a
24 negative way about farmers and farming.

25 One question that does come up is how locked in

1 is the process to the three alternatives? How much
2 flexibility is there going to be in Phase II? How much
3 public input or will public input have any real meaning in
4 Phase II?

5 And just a couple of comments of my own.

6 I think SB 900 is a real opportunity to greatly
7 increase a public awareness of the CalFed Program and what
8 we are trying to do.

9 And no doubt you've already thought of this,
10 Lester, but it sure is a good opportunity to tie in the
11 program with what's going to be said in the media about
12 SB 900.

13 Just to reiterate, Phase II is I going to be, I
14 think, the ballgame, as far as I can tell, whether we get
15 support or not in the Bay Area.

16 It's a small sampling, anyway, but I think it's
17 going to be crucial.

18 CHAIRMAN MADIGAN: Thank you. I
19 appreciate your comments.

20 Steve.

21 MR. HALL: I used to represent agriculture
22 so although I represent both urban and agricultural water
23 interests I think I still have some sense of where
24 agriculture might be on this, and speaking for myself, I'm
25 already convinced that neither this program nor the

Page 108

1 alternatives are anti-ag, but I don't think that we can
2 today having said that even if we all agree give
3 agriculture or for that matter any interest group all of
4 the assurances that it will need.

5 I go back to Dan Nelson's statements about the
6 way the program as perceived as creating agriculture's
7 interests, but I also heard Mary Selkirk say that she and
8 others need to be assured that the program is going to deal
9 legitimately with water conservation, both in the urban and
10 agricultural sectors. I heard Bob Raab speaking for the
11 Bay Area community, saying they need some assurances.

12 Certainly, the folks that Ted and Don and
13 others represent need those same kinds of assurances.
14 That's really what this is all about.

15 I mean, the assurance work group is based on an
16 idea that has been around for several years now and that is
17 that we not only need to address the technical biological
18 issues and the plumbing issues in the Delta, at the heart
19 of this is reaching a political agreement that provides a
20 level of assurance to all of the stakeholders and we all
21 understand that.

22 So I think that's really what I'm hearing at
23 this point, and I'm wondering, Hap Dunning is certainly a
24 very capable person to Chair that work group and I think we
25 ought to let that group do their work, but I guess I would

Page 109

Page 111

1 ask you, Mike, and you, Sunne, and you, Lester, whether you
2 think the breadth of their examination is sufficient given
3 the fact that we are not just talking about assurances for
4 the Delta ecosystem.

5 We are talking about assuring all of the
6 stakeholders that they are going to have their needs met at
7 some reasonable level, not to get everything they want, but
8 to have their needs reasonably met.

9 It would be unfair probably to ask that
10 particular group of people to try to address of issue but
11 it seems to me that during Phase II we really need to
12 attack those interests and be able to provide people with
13 some level of assurances, if not through that group then in
14 some way through the program and I'm curious as to how you
15 think we can do that.

16 CHAIRMAN MADIGAN: That's a good question.

17 I think Sunne and Lester and I need to talk
18 about it.

19 MR. HALL: That's fine.

20 CHAIRMAN MADIGAN: I don't want to give
21 you an off the top because I think that's an important
22 question.

23 EXECUTIVE DIRECTOR SNOW: Mike, if I would
24 maybe just add --

25 CHAIRMAN TENNIS: Lester, however, wants

1 Joaquin farmers in agriculture supports voluntary transfers
2 as long as there are proper third party protections.

3 I agree with what Dan and Steve had to say, but
4 I think that -- I don't think there is any anti-ag in the
5 process here, but I think it will occur when you analyze
6 what the cost will be to give the necessary supplies for
7 water deficient areas, that we are in a high cost water
8 area.

9 I think the anti-ag impact will be when ag
10 can't afford it and parts of it fall to the wayside because
11 of the cost. And I think that's something we are facing in
12 Kern County and we have to look at and possibly there is,
13 you know, there's ways to deal with that but I don't see
14 any one way that we can have the facilities do everything
15 we want to solve all of the problems in Delta and ag pay a
16 share and everybody withstand that cost. I don't think it
17 will work.

18 CHAIRMAN MADIGAN: Thank you.
19 Roberta.

20 MS. BORGONOVO: This was a comment I was
21 going to reserve for later when we were talking about
22 public input, but one of the concerns that I have that is
23 the way in which we move through the phases and we are
24 looking at assurances and then we make modifications at
25 those different alternatives.

Page 110

Page 112

1 to give you something.

2 EXECUTIVE DIRECTOR SNOW: Information as
3 opposed to an answer.

4 This is not criticism in the way that the Chair
5 has been conducting this meeting, however (laughter).

6 There's two parts to that, Steve, in terms of
7 the assurances in terms of what people get.

8 One is the generic assurances, what does it
9 take to provide an assurance that an ecosystem program that
10 spreads over 30 years will be done after 15 years and will
11 keep doing it, but the other is a real specific one that's
12 dependent on the Phase II analysis and that is how do these
13 alternatives perform in terms of which one can give you
14 more critical year flows for fisheries?

15 Which alternative produces how much potential
16 increased water supply and under what conditions, and so as
17 that information is developed I think it can be coupled
18 with efforts of looking at the assurances to see how this
19 particular structure of assurances can ensure these kinds
20 of yields or these kinds of instream flows or what have
21 you.

22 And so I think there is kind of a merging of
23 those two issues somewhere in the middle of Phase II.

24 CHAIRMAN MADIGAN: Howard.

25 MR. FRICK: I think in the South San

1 One of the examples that came up yesterday in
2 the financing Workshop is how do you take into account the
3 market incentives? How do you take into account the local
4 input as people begin to understand how they fit into the
5 whole process?

6 Does that change the size of your storage, your
7 needs, and so that's just a question that I would like to
8 have that assurances group take a look at. That whole
9 question of modification. I think that several of the user
10 groups and this BDAC have talked about a cascading effect,
11 a way of pursuing one alternative and if it doesn't work,
12 you go to the second alternative but the whole question of
13 momentum comes up. Will there be so much invested in the
14 planning that we are really not able to make that shift?

15 And I think that that's what you're trying to
16 get at with adaptive management but that's not clear to me
17 exactly how that would work and so I have to agree with
18 Steve. I think the assurances group is key but they have
19 this huge task in front of them.

20 CHAIRMAN MADIGAN: Stu.

21 MR. PYLE: I appreciate the comments that
22 Dan Nelson had, you know, indicating that there are a lot
23 of concerns about the process, but I think we have to kind
24 of look at where we are in the process and go back to what
25 started this, recognizing that not only agriculture but

Page 113

Page 115

1 urban water use was way down on the scale because of the
2 operations of the Endangered Species Act impact on Delta
3 exports prior to the December 15th, '94 Accord, which you
4 were responsible in bringing about, Dan; and right now we
5 are supporting this process here to try to see what can be
6 done to, as we say, fix the Delta and determine what type
7 of a water supply can be operated to take the place of what
8 we had prior to the Accord, and we are in the three year
9 window where we are working through to try to get to this
10 answer of will we be better off or will we not be as well
11 off as we were and we are not going to know that until we
12 begin to get some of the numbers and the metrics and so on
13 and so forth on this program, which is going to include
14 both water supplies and costs and so forth. So we've got a
15 long way to go.

16 I think it's fine to raise this program. I
17 think the recognition has come on the land retirement,
18 which is kind of the red flag for agriculture.

19 I think that message is well across right now
20 but then there is still the issue of water transfers and I
21 think that is, as Howard is saying, there is a lot of
22 recognition of the need for water transfers. Farmers are
23 participating in that. So I think these things are going
24 to work out.

25 And I think that we really need to do is keep

Page 114

1 moving the process ahead without -- and look at some of
2 these numbers, assurances, issues and so forth before we
3 start trying to chip away at it too much.

4 CHAIRMAN MADIGAN: All right. This is an
5 appropriate time for public comment. I hope that those of
6 you who wish to make comment on this particular item have
7 filled out a card so we have your names and addresses.

8 Sir, I know that you wish to be heard. Go
9 ahead. Use the microphone up here.

10 RICHARD HARTER: I appreciate coming here.
11 I'm impressed with what's going on here, and I see -- I'm
12 from Butte County. I am a retired farmer, and I haven't
13 seen so -- I'm probably an environmentalist, maybe I'm an
14 environmental freak or something, but I've been a farmer
15 all of my life and I have gotten away from using chemicals.

16 And, briefly, this thing about what's going on
17 with the environment and the endangered species, I gave a
18 little spiel July 19th. You had a Workshop and I addressed
19 the fact that I got a collection of Indian rocks in my yard
20 which I picked up during the course of my life as a farmer
21 and I addressed the fact that contemplating these Indian
22 rocks was like going to church, that these Indians look at
23 things entirely different than we did. They worshiped the
24 creator, the earth was sacred. The communities of flora
25 and fauna were -- those were holy, and they lived with the

1 creator, the great spirit. I think their great spirit, I
2 think our God is the same.

3 I picked up this poster the other day
4 (indicating).

5 This is put out by nothing less than the United
6 States Department of Agriculture.

7 The heading is "Harmony, A partnership With A
8 Healthy Land" (indicating).

9 "American Indians have always understood
10 nature's delicate balance that keeps the heartbeat of the
11 earth strong.

12 "Show your thanks for nature's bounty by giving
13 back to the earth. Call 1-800-A-SOIL for your free action
14 packet."

15 So this, the sponsors of the people involved
16 with this, are the United States Department of Agriculture,
17 National Resources Conservation Service, National
18 Association of Conservation Districts, National Association
19 of State Conservation Agencies.

20 So, anyway, not to drag this on and on, but I
21 think that when you get right down to it, the United States
22 Department of Agriculture and I think farmers, too, I think
23 the way farmers relate to the land is something that is
24 changing, and I know up in Butte County the Western Canal
25 and the M & T reaction and so many of the farm oriented

Page 116

1 people are involving themselves in things to help the fish,
2 moving the pumps and screening the diversions, and it's
3 just a tremendous effort.

4 And so, anyway, I admire what you folks are
5 doing and carry on.

6 Thank you.

7 CHAIRMAN MADIGAN: Thank you, sir.

8 I didn't get your name.

9 RICHARD HARTER: Richard Harter. I'm a
10 retired farmer.

11 CHAIRMAN MADIGAN: Thank you, sir. Thank
12 you very much.

13 Mr. Petry.

14 MR. PETRY: Yeah, Ed Petry, 93640 Mendota.

15 What we have to do here or what you people have
16 to do is two things. One of them is to put a smile on
17 Roger Patterson's face and the other one is to put one on
18 Alex Hildebrand's face.

19 After you accomplish that then we can all go
20 home, and, as you can see, it's not going to be an easy
21 thing to do.

22 I've been coming to these Bay-Delta meetings.
23 I came to them when it was BDOC. They wrote their by-laws,
24 I went through all that and I sat through it, but there has
25 been people here representing agriculture and Alex

Page 117

Page 119

1 Hildebrand has poured his heart and soul into it and I
2 think he's done a good job.

3 His letter of June 21st, in my opinion, was
4 short, and I hope you all read it.

5 There was a lot of meaningful thoughts behind
6 it and the man knows what he's talking about.

7 And there are other members here at BDAC that
8 do recognize that agriculture is going to get hurt unless
9 we do something about it, and the one thing that will
10 resolve all of the problems is money, money, money. And
11 that's what this is going to take to get additional
12 storage. That's what it's going to take to clean up the
13 San Luis drain and the contaminants. That's what it's
14 going to take to bring back better water quality.

15 And this is what we've all got to be concerned
16 about, and I think the Bay Delta staff is doing a fine job
17 and the Council members, also.

18 And I know because I've been at all of your
19 meetings except two and I want to thank you for your input
20 and what you've done and the thought that you have been
21 giving to rural communities and agriculture water quality
22 and other things of that nature that's going to resolve
23 these problems.

24 Thank you.

25 CHAIRMAN MADIGAN: Thank you, Mr. Petry.

Page 118

1 Yes, sir?

2 JEFF PHIPPS: Thank you, Mr. Chairman.

3 My name is Jeff Phipps working with the
4 Northern California Power Agency.

5 I have some responses to the first question
6 that I wanted to provide.

7 Much of what a lot of the BDAC members have
8 been talking about is wanting some more detail.

9 What I might suggest is the concern and the
10 frustration that we are having at this point in the process
11 right now is a lack of specific measurable, quantifiable
12 objectives that we have consensus on.

13 We keep stepping to the trying to get to
14 actions and specific activities, but what we don't agree on
15 is what we are really trying to accomplish specifically.
16 Water quality, what level are we really trying to achieve,
17 when and where? Water supply, when, what, how much, when,
18 where, how?

19 I think those are the discussions we need to
20 have before we get into the details and a lot of the
21 detailed number crunching. Certainly, when we come to the
22 common programs one of the issues there is Lester and his
23 staff has made comment that we are in agreement that we
24 want -- and I'll pick on ecosystem because I work with the
25 CVPIA a lot, that we all want a single comprehensive

1 program.

2 I think that's true but there has not been any
3 agreement as to what that single comprehensive program is.
4 How much is it going to cost? What really are we trying to
5 accomplish, and how are we going to stage it out and we
6 need those objectives to be able to have that discussion,
7 to prioritize that discussion and then go forward with
8 defining some of the actions.

9 The second comment I have has to do with the
10 alternatives themselves and again focusing on the ecosystem
11 aspect.

12 That right now includes the CVPIA actions.
13 Much of the discussion we have are related to CVPIA
14 activities. What I would suggest we need to do so that we
15 don't get -- so we make life easier for all of us is we
16 need to separate out CVPIA from the alternatives and we
17 need to have that as part of the no action plan, and
18 there's four reasons that I say that that will fit there.
19 One is it clearly is independent of what happens in a BDAC
20 solution CVPIA was mandated, has very specific objectives,
21 has even some very specific actions. Those will happen
22 regardless of what happens in this forum and they are
23 happening right now.

24 Second, to make the decision that this group
25 working with CalFed needs to make and that decision is to

Page 120

1 decide based on the objectives, the cost and the benefits
2 what actions you want to take. You need to separate out
3 CVPIA from that on the ecosystem side so you can see what
4 extra benefit you are getting for what cost compared to
5 what you're trying to achieve.

6 The third reason is if you look at the
7 principles that Lester has so very well-developed CVPIA is
8 contrary to one of those principles, and that is the one
9 that not to redirect cost to other parties.

10 CVPIA clearly was a redirection of costs from
11 water and power users to the environmental. It was a
12 mitigation. So it's clearly in conflict with that
13 principle so if you leave it in the alternatives, then you
14 have created a problem.

15 And, lastly, the issue hasn't been discussed
16 today but it's been discussed in other forums, is the
17 question of how to separate out how you allocate costs
18 between mitigation and restoration.

19 CVPIA is clearly mitigation. So by taking it
20 out of that equation of how to allocate costs, who pays for
21 what, then you simplify at least that aspect of it.

22 So I just suggest those concepts.

23 CHAIRMAN MADIGAN: Thank you very much. I
24 appreciate it.

25 MS. McPEAK: Mr. Phipps, I think you have

Page 121

Page 123

1 advanced some very important questions.

2 I would invite you to also answer them and
3 anyone else who is providing input at this point.

4 It would be quite helpful to us if the Northern
5 California Power Association could spell out the objectives
6 that you want to see set, the performance standards,
7 et cetera, the ones that are most important to you and then
8 also propose what you would like to see those be and why
9 and perhaps you can only start with the range of quantities
10 to meet performance standards.

11 But it's that kind of higher degree of
12 specificity around the concepts that will move us to an
13 understanding where we have conflicts and be resolving
14 them. So you were very thoughtful in your input. We'd
15 like to request and invite some additional homework.

16 JEFF PHIPPS: I certainly will participate
17 and, again, I've been working with the CVPIA quite closely
18 and we have some experience there that I think could be
19 real useful here that we need to tie in.

20 CHAIRMAN MADIGAN: Thank you.

21 Mr. Hall.

22 MR. HALL: I agree with the points that
23 Mr. Phipps raised and certainly with Sunne's response.

24 On the point about the CVPIA, I don't disagree.
25 It clearly -- it took a different approach than CalFed is

1 More importantly, I think that a lot of the
2 things that this group is considering and what CalFed is
3 considering, including water transfers, land retirement,
4 reallocation for environmental purposes can have impacts
5 that are very similar to what we are seeing in Mendota
6 during the drought and I think that we need to be thinking
7 about how to assess and monitor and mitigate those impacts
8 in this process.

9 I think it's pretty self-evident that a lot of
10 what is driving this process is economics and that we have
11 to be very careful that we don't privilege one region or
12 sector or type of community at the expense of another.
13 Thank you.

14 CHAIRMAN MADIGAN: Thank you.

15 I have a note here that George Basin wishes to
16 speak to the -- Mr. Basin?

17 All right. Anybody else?

18 Yes, sir? It's your turn (indicating) for
19 sure.

20 Thank you.

21 MR. OTTOWALLER: Good afternoon.

22 I know we're close to or past the lunch hour so
23 I'll keep my comments brief.

24 My name is Steve Ottowaller. I work for
25 Westlands Water District.

Page 122

Page 124

1 on allocation of cost.

2 My understanding and I guess I would turn to
3 Lester for a response on this, is that it's existing law
4 and that you will try to make the CalFed program compatible
5 with the actions that it directs without necessarily
6 adopting the cost allocations formula that it prescribes
7 for the actions that it directs.

8 EXECUTIVE DIRECTOR SNOW: That's correct.
9 We just take it as law. That's the way that it exists and
10 we are dealing with it in that fashion.

11 CHAIRMAN MADIGAN: Thank you.

12 Members of the audience?

13 Miss Alvord (indicating), come forward, please.

14 ADRIENNE ALVORD: My name is Adrienne
15 Alvord.

16 I am the program coordinator of the Rural Water
17 Impact Network which is a program of the Community Alliance
18 of Family Farmers.

19 In your last mailing you should have received a
20 study entitled "93640, Community at Risk," which is a study
21 of Mendota during the 1987 to '92 drought.

22 I recommend that you all read it very closely.
23 It will help you to understand among other things the
24 passion and dedication of Mr. Petry in coming here year
25 after year and meeting after meeting.

1 I'm not going to reiterate Dan Nelson's
2 concerns because he speaks in part for Westlands as well as
3 a number of other agricultural water users, but I would
4 like to specifically address a couple of things related to
5 the alternatives and maybe give you an idea of where some
6 of this ag paranoia comes from. I agree I've not heard
7 anything say anybody is anti-ag.

8 One of the fundamental problems that I see and
9 I've said it before but I'll say it again, the objective of
10 this program that's described for water supply is reduce
11 the mismatch between the needs of the exporters and the
12 needs of the environment.

13 As long as you have that as your objective
14 anybody can come along and say, "Well, by reducing the
15 amount of water that we export we have met our objective."
16 That's an improper objective and it doesn't meet the
17 balance that's required under CalFed.

18 If you applied that same logic to some of the
19 other objectives you could accomplish water quality
20 concerns in CalFed by saying build more or better water
21 treatment plants and that's not acceptable to the urban
22 suppliers.

23 So I won't belabor that point but I think
24 that's a key point that we will continue to make.

25 With respect to the alternatives and the

Page 125

Page 127

1 questions that are up there, generally I think we could say
2 yes to most of them. Maybe with some qualifications.
3 With respect to the specific alternatives and
4 maybe I'm jumping ahead here but the alternatives described
5 in the packet all contained a phrase within the description
6 of water quality -- or the water use efficiency that says
7 "The implementation of water use efficiency measures will
8 substantially reduce the dependence on exports."

9 That is not a true statement. Certainly not
10 when we now see that the determination has been made to
11 temporary and permanent land conversions are not methods
12 for improving water use efficiency. If you take out the
13 component of land conversion or land retirement, then there
14 is simply no way that you can say that you've reduced or
15 that you can reduce the dependence on exports through the
16 use of water use efficiency measures.

17 I won't try to get into the detail of the
18 numbers, but there is just not enough water savings that
19 can result from water use efficiency to say that you
20 substantially reduce the dependence on the exports.

21 I guess I'd just have to say that in closing
22 that what we need to be doing here is reduce the mismatch
23 between what we hear and what we see on paper. What we see
24 on paper is what causes us the big problems. What we hear
25 in meetings and discussions gives us comfort and then we

1 there is a lot of things that are significant about
2 SB 900 but perhaps from our perspective the greatest
3 significance was simply in what happens when a broad based
4 coalition can come together and work hard on kind of a
5 mutual approach to problem solving. I think that's what we
6 saw in SB 900, which, in fact, passed the Assembly and the
7 Senate by the widest margin anybody can remember for a bond
8 issue, so I think that's a very upbeat sign.

9 And I wanted to ask both Steve Hall and Tom
10 Graff, who were very much involved with that to make a few
11 comments and observations about SB 900, the process, and
12 what that means.

13 Steve, did you want to start?

14 MR. HALL: Okay.

15 Thank you, Lester.

16 It did, in fact, pass the Assembly by an almost
17 unbelievable vote of 70 to three, and the Senate by a very
18 substantial margin, 33 to four and was supported by the
19 administration. This was one of those happy moments in
20 California water history when -- you know, it's too
21 simplistic to say that agricultural, urban and
22 environmental interests came together because that is, in
23 fact, what happened, but none of those three interest
24 groups are monolithic by any means.

25 So it was as much attributed to each of those

Page 126

Page 128

1 see on paper things that cause us a lot of heartburn. And
2 maybe ag is not the only one that sees those things.

3 So with that I'll close. Thank you.

4 CHAIRMAN MADIGAN: Thank you, sir.

5 All right. It's my expectation that you are
6 all ready for lunch.

7 Therefore, we are going to break then come back
8 to question number two after lunch. I do, however, want to
9 ask Mr. Yaeger and his cohorts if we could try to summarize
10 these remarks after lunch to see if we are headed in the
11 right direction in terms of our comments for the CalFed
12 people.

13
14 (Whereupon the noon recess was taken at
15 1:02 p.m., after which the following
16 proceedings were had at 1:48 p.m.:)

17
18 CHAIRMAN MADIGAN: All right. We are back
19 in session and we are going to take an item out of order
20 because some of the key parties are here and, that is, a
21 brief discussion and report on SB 900 and then we'll get
22 back to the questions previously presented.

23 Mr. Snow.

24 EXECUTIVE DIRECTOR SNOW: Yeah. I would
25 just reiterate very briefly what I said this morning, that

1 three major interest groups getting their houses in order
2 as it was on the whole consensus package.

3 And what was as impressive to me is that there
4 were other interests that began to really focus on this
5 that did have some impact on it and ultimately came on
6 board, business and labor and lesser but still significant
7 interest groups that weighed in.

8 This was an effort that spanned many, many
9 months but like a lot of these things it reached critical
10 mass once we had a deadline looming and really from the
11 beginning of May until passage of the measure is when most
12 of the activity took place.

13 There were intensive negotiations, particularly
14 during July and really in a span of about ten days.

15 We negotiated the agreement, the conference
16 committee approved it and it was passed and signed by the
17 Governor, which is not to say that we could have skipped
18 all of the preliminaries and done it in ten days. That's
19 just not the way these things work.

20 A lot of work had gone into putting this thing
21 together and so the ten days were really just sort of the
22 climax of many months of work by all sides.

23 I can't say enough about Senator Jim Costa.

24 I am convinced that there is not another
25 legislator in this State serving in the State legislature

Page 129

1 that could have done what he did.
2 And I also -- I have to take my hat off to all
3 three of the interest groups as well. They did an enormous
4 amount of work in a very short period of time in bringing
5 this together, and we already have a campaign being formed.

6 It will not be a major campaign in the sense
7 that some bond issues are, but it will be probably a three
8 media and radio campaign.

9 It will incorporate, at least my hope and
10 expectation is, that it will incorporate representatives
11 from all of the interest groups, environmental,
12 agricultural, urban, business and labor, and anybody else
13 who wants to climb on board, and there is no really
14 organized opposition to the measure.

15 So the polling that we have done indicates the
16 support among the public for this is high.

17 If we run a good low key campaign and if no
18 organized opposition surfaces, I think the prospects are
19 pretty good for passage.

20 I have to say when you read the ballot
21 argument, you may or may not recognize this measure because
22 pollsters tell us you've got about a minute with the
23 average voter. That's how long he is going to spend with
24 your ballot measure.

25 If you are lucky, that voter, he or she, will

Page 130

1 read the opening paragraph and look at who signed the
2 measure for and against and will make a decision based on a
3 number of factors; how many other bond issues are on the
4 ballot, whether they had a good breakfast that day, you
5 know, lots of stuff, which don't necessarily have anything
6 to do with the bond measure. So those who wrote the ballot
7 arguments did so looking at what the public cares about.

8 Now, they didn't say things that weren't true,
9 but they did emphasize those things that the public is most
10 concerned about. That's why the ballot arguments read as
11 they do.

12 Just a little truth in advertising here for
13 you.

14 And I also want to relate just sort of a
15 personal note.

16 After negotiating 18 hours a day for several
17 days and then lobbying feverishly to get this thing passed,
18 David Yardis and I, it was kind of surreal, I mean, we were
19 doing some bonding or something. It was pretty weird
20 stuff, but we agreed that we'd a whole lot rather work this
21 way than the way we have worked over the last several years
22 so with any luck we can not only pass SB 900 but work in
23 the same way on CalFed and its solution, negotiate hard,
24 make sure our respective interests are represented in
25 whatever is finally developed but then work hard to see

Page 131

1 that it's implemented once the negotiation is complete.

2 CHAIRMAN MADIGAN: Who would know? Tom.

3 MR. GRAFF: I just have a few things to
4 add to what Steve just said.

5 I mentioned the legislative sponsors earlier
6 and I do think Senator Costa gets the lion's share of the
7 credit. I mean, he did a marvelous job in keeping people
8 together and keeping them focused and listening to all of
9 the interested parties.

10 As far as the consensus in the negotiation
11 aspects of this I won't cite with the environmental people,
12 but Senator Costa at the signing ceremony, which I
13 witnessed, mentioned in particular Steve's name and then
14 two representatives each of ag and urban constituencies,
15 Dan Nelson and Tom Clark and Tim Quinn and
16 Randy Canales (phonetic).

17 And I would have to say echoing what Jim said
18 that we appreciate the work all of them did. And there is
19 an unsung hero here who didn't get mentioned but who has a
20 history in these issues and that's Betsy Reike.

21 The story is that at the Aqua Convention the ag
22 and urban guys had a package that was completely
23 satisfactory from their point of view but, they
24 had -- hadn't been quite as effective at outreach as say
25 Lester has been, and so Betsy urged them to perhaps give us

Page 132

1 a call and expand the negotiations, which they then did and
2 the rest is history.

3 So even though she is out of state and
4 supposedly out of California water matters she gets a
5 little plug also.

6 As far as content is concerned I am not going
7 to bore you with that but I do think that we should get a
8 fairly comprehensive report really, not, you know, from
9 Lester and from Council because there are some complicated
10 legal issues that arise because of the way this ballot
11 measure is written if it passes. It really from a State
12 perspective directs CalFed to do a bunch of things and so
13 on.

14 The reason Steve is a little concerned about
15 that ballot argument which he didn't mention is that he
16 signed it along with Jerry Merrill (phonetic) of PCL and
17 Senator Costa.

18 So, hopefully, those three signatories will
19 carry the day for us.

20 As far as the campaign is concerned, three
21 different ballot measures have been endorsed by Valley
22 papers, the LA Times and the San Francisco Chronicle but
23 they all have the same number.

24 MR. HALL: That's the idea, Tom.
25 Revitalize the campaign.

Page 133

Page 135

1 MR. GRAFF: So, you know, I don't know how
2 long that particular approach will succeed but we'll keep
3 working on it.

4 And lastly, one thing Steve did not mention,
5 which I think is important, and maybe worth kind of a task
6 force of this Council or maybe not, I don't know, is there
7 is a big effort now underway to get Federal matching funds
8 which is the major component of the proposal, and, you
9 know, we should, I think, lend whatever help we can to
10 that.

11 I guess it's sensitive. Public agencies can't
12 technically campaign for ballot measures and I suppose that
13 carries over to our body, but I think we can do Federal
14 cost share kind of stuff so maybe we should look into how
15 to do that.

16 CHAIRMAN MADIGAN: Steve.

17 MR. HALL: well, I just -- since Tom felt
18 constrained and just being the statesman that he is I'll
19 mention three people, of many from the environmental
20 community who worked hard; David Yardis, Gary Bobker and
21 Cynthia Kohler were at the table pretty much around the
22 clock with us, and I also have to mention Tom's name.

23 We all kidded him because Yardis negotiated
24 this thing and then Tom showed up at the signing ceremony,
25 but the truth is there was a critical point in time when

1 myself, but Sunne suggested that you probably should head
2 up the effort in this group to try to develop that and make
3 sure that we get it. Tom.

4 MR. GRAFF: I'd be happy to work on it.
5 Rich Atwater has kind of emerged as a leader in this effort
6 already from the water agency perspective. I think all of
7 us can work with him. That's fine with me.

8 (Inaudible)

9 CHAIRMAN MADIGAN: We will if you'll work
10 on that one that will be very helpful.

11 Thank you. Anyway, nice job. Good news.
12 Back to where we were.

13 Steve, are we ready to try to summarize what
14 that first question elicited so that we can see if we have
15 some sort of concurrence that, one -- you know, hopefully
16 the approach taken to date was valid and that we are still
17 supportive of that.

18 Two, that we are -- that this would represent
19 the advice that we would have for its enhancement expansion
20 or improvement during Phase II. I mean, ideally that's
21 sort of where we come out of in this issue.

22 MR. YAEGER: Mr. Chairman, we have gone
23 through and summarized from our notes as many of the
24 comments that we got as we could. I hope that we
25 faithfully reproduced those and I'm sure you will let us

Page 134

Page 136

1 the environmental community was very skeptical about this
2 measure, in part for the reasons that Tom described through
3 Betsy Reike's involvement, and I was there, of course, but
4 I have heard reports that Tom really weighed in with the
5 environmental caucus and assured them that this was a deal
6 worth trying to make if it could made.

7 So, you know, that's what we do with these
8 folks once they reach a certain plane in our world, is we
9 use them as shuttle negotiators, people like Tom and Betsy
10 and others. So he served a vital role in that, really kind
11 of kept things on track so we could make a deal.

12 CHAIRMAN MADIGAN: Well, congratulations
13 to you both. I think that it is a significant day and it
14 does, hopefully, bode favorably for the CalFed process as
15 well.

16 Tom.

17 MR. MADDOCK: Just for the record the
18 California Chamber of Commerce is activating their
19 statewide network to support this proposition and have
20 already taken a number of actions including, I believe,
21 that they will be one of the signatories to the rebuttal
22 arguments.

23 CHAIRMAN MADIGAN: Thank you.

24 I think Tom, you're right about the issue of a
25 Federal matching money, and I wouldn't have suggested it

1 know if we have not.

2 But I'm going to ask Scott McCreary to kind of
3 walk through point by point and summarize the comments.

4 SCOTT MCCREARY: Thank you, Steve.

5 MS. SELKIRK: I'm sorry to interrupt.

6 CHAIRMAN MADIGAN: Yes, go ahead. Mary.

7 MS. SELKIRK: I believe that Gary Bobker
8 was going to make his comments, too, to add to this.

9 Didn't we agree to that?

10 CHAIRMAN MADIGAN: Yes, we did.

11 Gary, did you want to speak specifically to
12 this issue and if so, now would be the exact right time to
13 do that.

14 MR. MATTHEWS: I did want to make some
15 comments on it. Whether you want me to do that after Scott
16 has finished his walk through or before, that's at your
17 pleasure.

18 CHAIRMAN MADIGAN: well, why don't we give
19 you the advantage of hearing what the summary seems to be
20 so that your comments can reflect that information.

21 SCOTT MCCREARY: Okay. Well, our overall
22 assessment here was that the BDAC members after
23 considerable discussion and a lot of very thoughtful ideas
24 gave this first answer a sort of flashing green light.
25 That would be our summary.

Page 137

1 In other words, we think that you have told
2 staff to keep moving forward with the three alternatives,
3 but you have a number of concerns and clarifications that
4 you want to make sure are addressed.

5 There were a lot of questions and concerns
6 expressed about the level of detail.

7 It seemed on balance BDAC members felt the
8 level of detail was appropriate for this stage in the
9 process but there were a lot of requests to be much more
10 detailed and to create more specificity both about the
11 alternatives and about the analysis as you go into Phase
12 II.

13 There was also a request to take a second look
14 at both the upper and the lower limits on the sizing of the
15 alternatives.

16 There were questions asked of staff, "Well, how
17 did you arrive at these particular sizes, what's the
18 justification and rationale". So take a fresh look at
19 that.

20 There were also, of course, a number of
21 comments and questions from the agricultural community, and
22 there were a number of, we think, very legitimate concerns
23 raised, and the most important ones seem to be what is the
24 intent and definition of the tool of land retirement, how
25 will that be used. How will water transfers work and how

Page 138

1 will the associated impacts be assessed in the second
2 phase?

3 And we heard that from a lot of different
4 quarters.

5 We also heard from a lot of different BDAC
6 members the need to establish clear assurances and that
7 really cuts across all of the different alternatives and a
8 lot of the different common programs as well.

9 Related to the concern about assurances is that
10 of the CalFed nomenclature, if you will. There are a lot
11 of terms and definitions and we need to be very careful
12 about what we mean. We need to clarify the meaning and
13 intent of a lot of these words and it was pointed out that
14 in some cases the presentations and policy deliberations of
15 the CalFed staff seemed to proceed ahead of the written
16 documents. So we need to kind of keep these policy
17 development and technical tools in a dual focus and make
18 sure that we -- make sure that the written documents keep
19 pace with the policy deliberations.

20 And I think the other comment that we heard is
21 that BDAC wants to be kept informed, especially on the
22 policy side.

23 There were a lot of comments early on in the
24 discussion "These are very important decisions. You need
25 to keep bringing them back to us".

Page 139

1 We are fairly comfortable with where you are
2 right now but we want another chance to weigh in fairly
3 early on in Phase II.

4 So, Mr. Chairman, that would be my summary of
5 comments.

6 CHAIRMAN MADIGAN: All right. Let's start
7 from there. Comments? Tom.

8 MR. MADDOCK: Yeah.

9 CHAIRMAN MADIGAN: Tom and then Alex.

10 MR. MADDOCK: One point here which it
11 seemed to me emerged in listening to several people, Ben
12 Elson and others, is that as we embark in this next phase
13 it seems to me that there might be some effort to identify
14 some principles that if those principles are achieved in
15 the solutions that we come up with, then we can say, okay,
16 well, then this -- for example, water quality, what would
17 be the principles that we would use to measure whether we
18 have achieved what we want in terms of water quality?

19 I think Dan Nelson talked a little bit about,
20 well, where is the water supply? Well, as I was listening
21 I'm not sure of what principles we would use to agree that
22 whatever solution we come up with would do this for water
23 supply, whatever it is. So I suppose my suggestion would
24 be to add to this, Mr. Chairman, would be some effort
25 by -- and this is criticism of Lester, of course -- some --

Page 140

1 CHAIRMAN MADIGAN: It's about time, yeah.
2 I feel better.

3 MR. MADDOCK: -- some effort by the staff
4 to -- I know we talked about solution principles, but it
5 really -- we really haven't gotten to these principles that
6 control these four categories that we can say whatever
7 solution -- we are coming up with alternative solutions and
8 we are measuring the impacts.

9 But I for one would like to suggest that we add
10 that to the list here to do.

11 CHAIRMAN MADIGAN: All right. Thank you.
12 Alex.

13 MR. HILDEBRAND: I would first concur in
14 what Tom just said and beyond that I don't think the
15 listing clearly addressed the question of our getting on
16 quickly with the list of those assessments of pros and cons
17 that have to be made during Phase II, not that we can make
18 them all in Phase 1 but I think as we go into Phase II
19 we've got to start with a clear recognition of what's going
20 to be addressed in determining the impacts, pros and cons,
21 interrelations and so forth so that they don't get
22 overlooked.

23 As I said before, I think that those things may
24 not be deliberately overlooked, but I think that there are
25 interrelations that some of us see and impacts that some of

1 us see that others may not be aware of.

2 CHAIRMAN MADIGAN: All right. Thank you.

3 Mr. Bobker. Gary.

4 That's all right. I don't get any response
5 from anybody else either. Don't worry about it.

6 GARY BOBKER: Thank you.

7 Hopefully, the digestion process will be more
8 favorable than the desire for lunch.

9 My name is Gary Bobker. I'm with the Bay
10 Institute of San Francisco.

11 Before I talk about some of the key issues
12 remaining since we started off this after lunch session
13 with the discussion of SB 900 I'd just mention that I'd
14 like to echo the comments of Tom and Steve. I think this
15 is a very significant next step in reaching a solution.
16 It's something that hopefully all of the interests in this
17 room will help to support.

18 I think it's very appropriate that significant
19 public monies should go toward what will be, as Dick said,
20 perhaps the most ambitious restoration program in this
21 country.

22 And I anticipate that additional public monies
23 will also be added to that pot. We will be looking for
24 Federal monies in a cautionary agreement for the monies
25 identified for CalFed in SB 900.

1 I think one thing that CalFed does need to look
2 at over the -- during the Phase II process is the
3 appropriate water user contribution to the restoration
4 program.

5 I think it's clear that there is -- it's not
6 appropriate for water users to bear the whole cost of that
7 by any means and that's one of the reasons why SB 900 was a
8 very important move but there is an obligation on the part
9 of water users to bear some of the general restoration
10 costs both in -- you can define it in many ways, the
11 benefits you get from the increased certainty because of a
12 healthier ecosystem or the fact that in some ways it's
13 delayed mitigation for projects which were not mitigated
14 fully earlier.

15 In either case it's something that I look
16 forward to seeing how CalFed will deal with that issue.

17 Let me start with getting back to the -- what
18 was the most controversial issue that we discussed this
19 morning, and that's the land retirement issue.

20 I think that it's somewhat unfortunate the way
21 that the land retirement issue was introduced into the
22 CalFed program and I think that some of the earlier
23 alternatives because they had such an over-reliance on
24 large scale land retirement as a water use efficiency
25 measure, that it got appropriately a very negative

1 reaction.

2 I'm a little concerned that in response to that
3 negative reaction that we may be now underestimating the
4 importance of land retirement and land conversion as an
5 important tool.

6 It's a tool that's been identified in a lot of
7 areas as very important in getting to a solution. It's
8 important that we not let it drop off the screen and land
9 conversion can mean a lot of different things. I think the
10 earlier emphasis on permanent land retirement was part of
11 the problem. The environmental community wants to make
12 sure that permanent land retirement as an important measure
13 for addressing water quality issues, which I think that
14 Lester said earlier, that would continue to be, will be an
15 important part of the Bay-Delta solution.

16 And we believe that there is significant
17 amounts of acreage above the core action levels that were
18 identified earlier. I think it would be necessary to solve
19 the problems on the west side. But in addition to the
20 permanent land retirement, there is also land conversion
21 issues in terms of -- there is a lot of strategies
22 available to us to manage water. Some of them are
23 temporary land retirement. They are temporary land
24 conversion, using fallowing and other things and I'm glad
25 to hear that that's going to continue to be part of the

1 water supply management toolbox.

2 I think that there may be times when permanent
3 land retirement is a part of that toolbox. It should
4 certainly not be the top of the list but we should be
5 looking at all of these tools and seeing where they are
6 appropriate in doing land retirement or land conversion to
7 forms of agriculture which perhaps have less impact on the
8 environment. We need not to put blinkers on our thoughts
9 about land retirement and land conversion.

10 I think it's also important that when we look
11 at the water supply issues, that Steve Ottowaller was a
12 little critical of the reduce and mismatch between supply
13 and demand and the environmental community obviously has a
14 different take on that.

15 We think it's extremely important at that we
16 look at ways to manage our system better and, you know,
17 that's -- we need to look at all of the tools. Some of
18 those tools are going to be reducing demands. Some of them
19 are going to be increasing supply. We can't make the
20 assumption, though, that because there are opportunities to
21 perhaps increase supplies that those supplies are going to
22 go to one sector.

23 We have some issues in terms of where the
24 benefits should go from when we have the ability to use
25 water or shift it around the system. I think CalFed is

Page 145

Page 147

1 going to be wrestling with that. It's very unclear how
2 that's going to come out so it's appropriate to look at all
3 of those different strategies.

4 One way of helping us to look at that strategy
5 is in terms of demand management is look at pricing options
6 and I think that it's important in doing the Phase II
7 evaluation that the CalFed staff begin to look at how the
8 components of the different alternatives are going to
9 affect the price of water. Many of the different -- the
10 costs of the particular element, water transfers, the
11 market, may affect the price of water and depending on the
12 price of water that's going to affect demand and depending
13 on demand it may affect what you do. So it's an iterative
14 process that you really need to incorporate, I think, into
15 your consideration of water supply reliability.

16 One additional -- another issue involves the
17 question of environmental water.

18 We've been encouraged to see that the
19 identification of flows for the environment has now been
20 acknowledged as a need in terms of the ecosystem
21 restoration Common Program, although we continue to be
22 concerned that the flow objectives for ecosystem
23 restoration, like the other restoration objectives need to
24 be articulated better. That's a horse that's been beat a
25 lot and I am not going to beat it again here, but it's a

1 final -- next to final point is I just wanted to note for
2 folks that Dan (indicating) was earlier talking about his
3 interest in seeing the isolated facility conveyance
4 component of the third alternative be -- he was concerned
5 about the sizing of that.

6 I think that there is a lot of agreement among
7 the stakeholder communities about putting some limits on
8 the size of the facilities and I want to remind you that
9 back in February the stakeholders did recommend that an
10 isolated facility be considered but not be sized greater
11 than the combined conveyance of the State and Federal Water
12 Projects.

13 That was a working document. No one was
14 signing off on a position there and all of our positions
15 are evolving and I certainly -- I think we need to listen
16 to Dan and other folks. But I want to stress that I think
17 there is a lot of agreement among folks and perhaps some of
18 the other water users would like to speak to that.

19 The final comment gets to the Delta component
20 of the common programs, the ecosystem restoration and
21 system integrity programs.

22 The environmental water caucus in particular
23 and at times with the stakeholders has made a lot of
24 recommendations to CalFed about ecosystem restoration, the
25 principles that ought to be used, the large scale that's

Page 146

Page 148

1 continuing concern, but the point I want to raise here is
2 that there seems to be a big emphasis in a lot of the
3 CalFed material on the use of new storage facilities as a
4 source of environmental water.

5 That may, in fact, may be an important
6 component of providing new environmental water to the
7 system. It may not. The concern I have is that as we said
8 with storage in general, that we should be looking at
9 institutional and nonstructural sources of water storage
10 for all purposes and sources of new water before we look at
11 the structural elements. There's kind of a hierarchy there
12 and I think that there are elements, such as the
13 acquisition of water, which is an important part of the
14 CalFed elements, you know. We do acknowledge that the
15 purchase for water in the San Joaquin, although I think
16 maybe that there is some overestimates there, but I think
17 that the main point here is that acquiring water throughout
18 the system, acquiring water rights, water transfers,
19 conjunctive use, are all potential sources of new water as
20 well and we need to look at those very thoroughly and then
21 make our choices based on what the best sources of new
22 water are. That's particularly important because of the
23 potential impacts associated with construction of new
24 storage facilities.

25 The final point -- well, actually, not the

1 necessary that we know from restoration efforts as well as
2 specific recommendations for potential areas for habitat
3 restoration, and I think that the restoration program has
4 made a good start at addressing a lot of those issues and
5 included a lot of good elements and some of them of very
6 good scale, particularly upstream and downstream of the
7 Delta.

8 We continue to have issues, but the CalFed and
9 BDAC have established the processes to deal with that, such
10 as the restoration work group. So we look forward to
11 continuing to resolve those issues.

12 But in particular, the in-Delta component of
13 the ecosystem restoration continues to trouble us. The
14 scale and scope of what's being considered in the Common
15 Program doesn't seem to us to be adequate to really restore
16 the health of the Delta ecosystem.

17 We are talking about what was a vast system of
18 freshwater tidal marshes, backwater swamps, upland --
19 associated upland habitats.

20 That's really only got fragments of that kind
21 of original ecosystem left and we can't get that ecosystem
22 back but we need to make sure that we have a mosaic of
23 habitats throughout the Delta, which are on a scale large
24 enough to really make a difference and I don't think that
25 the components that are there now in the CalFed Common

Page 149

1 Program really do that.

2 Also there is also another issue -- and we made

3 some suggestions about what proper levels of restoration in

4 the Delta should be.

5 What I want to point out here is that there is

6 an intimate connection between what you do with the Delta

7 ecosystem restoration and what you do with the -- how you

8 address Delta system integrity, the reliance of the levees.

9 Stabilization of the Delta as it is now is

10 something that's troubling but probably not sustainable.

11 What we would encourage the program to do is to think

12 bigger, be more ambitious, and begin to look at

13 ways -- think in long-term ways that over the next hundred

14 years or more we can begin to open up parts of the Delta to

15 dramatic restoration opportunities and at the same time

16 reduce the risk of catastrophic failure.

17 Our position on that is evolving. It's a very

18 difficult subject. It's a controversial one.

19 We will work to explore seeking consensus with

20 Delta interests on that, and I think that the in-Delta

21 interest, all of the ag folks have expressed a real

22 interest in addressing habitat restoration of the Delta,

23 but there is still a big gap because of what we see as the

24 necessary scale.

25 Certainly, what we'd like to start thinking

Page 150

1 about is that in the areas like the peat soil areas of the

2 Delta, perhaps agriculture is not sustainable in the

3 long-term. We should begin to phase out or reduce

4 agricultural activities or restrict agricultural activities

5 to certain types of agriculture, begin to look at ways that

6 we cannot only control but reverse subsidence.

7 That's a difficult task but one over a long

8 period which would open up exciting new possibilities for

9 habitat restoration, considering how dynamic the system is

10 and expected things like everything from development to

11 global warming and sea level rise.

12 We are going to need to have large new areas of

13 habitat in the Delta.

14 In other areas of the Delta with mineral soils,

15 agriculture is sustainable and reconciling environmentally

16 sound agriculture in the Delta with significant portions of

17 the Delta that would be converted to various types of

18 habitat is, I think, appropriate, and we'd like to see the

19 program address that on a scale again that is going to get

20 to a solution. Right now we do not think that the scale is

21 going to get us there. I think with that that covers most

22 of the key issues that the environmental water caucus has

23 identified.

24 I will submit written comments that discuss

25 these in a little more detail.

Page 151

1 MS. McPEAK: Thank you. Thank you, Gary.

2 CHAIRMAN MADIGAN: Thank you, Gary.

3 Mr. Yaeger, have you amended your notices as a

4 result of the comments that you have heard here to further

5 expand and identify the concerns of this group?

6 MR. YAEGER: We will expand the list we've

7 already put together and I think the intention is to put

8 that together in a written communication from the Chair to

9 CalFed, passing on the advice of BDAC to the CalFed

10 management group.

11 CHAIRMAN MADIGAN: Before I ask for

12 consensus, Ann, I'll call on you.

13 MS. NOTTHOFF: Yeah, I just wanted to pick

14 up on some of the earlier public comment about the role of

15 existing laws in terms of developmental solutions to

16 CalFed. I want to reinforce the fact that some of the

17 comments have been made earlier that the package that we

18 have in front of us, I think, is impressively responsive,

19 and the process has been very open so far and takes into

20 account the baseline of existing laws.

21 I did want to note an item of concern to NRDC,

22 and that is that recent actions by the Resources Agency,

23 which is a primary co-sponsor of this process, certainly,

24 cause us concern in terms of the philosophy which was

25 recently articulated by the Resources Agency regarding

Page 152

1 coastal zone development.

2 And how we -- how NRDC interprets the comments

3 that were recently made in terms of managing complex

4 resource issues here in the State is that if there were

5 money interests and Government agencies can agree on

6 solutions to these complex problems, that that performs a

7 basis for consensus and agreement, and I think that I would

8 hate to see this process be affected by that type of

9 approach. I think this process has been quite noteworthy

10 in its commitment to complying -- developing solutions that

11 comply with the Central Valley Improvement Act, the State

12 and Federal Endangered Species Act and the Clean Water Act

13 and has been quite clear and I just think it's important to

14 reinforce the fact that the standards of those laws are

15 nonnegotiable to NRDC and many other environmental

16 representatives as part of this process, and I think that

17 there -- I just was kind of a note of caution to some of

18 the more recent controversies that have been surrounding

19 resource management in California, and wanted to, you know,

20 give a hand to this process, which seems to have evaded

21 those controversies up to date, but I think it's important

22 to keep an eye on it.

23 Thanks.

24 CHAIRMAN MADIGAN: All right. Thank you.

25 Yes, Roberta.

Page 153

Page 155

1 MS. BORGONOVO: I wanted to make a comment
2 about financing restoration but I'm perfectly happy to make
3 it after the finance group report since some of the issues
4 came up yesterday.

5 CHAIRMAN MADIGAN: All right. Let's see
6 if we have some sort of consensus on the summary that Scott
7 and Steve presented, recognizing that these would be the
8 comments that we would then take as a part of our
9 recommendations and suggestions to CalFed.

10 Do you all feel comfortable enough or would you
11 like to wander through them one more time here?

12 MR. MADDOCK: In other words, the comments
13 are going to go with the understanding that not everybody
14 subscribes to each individual statement?

15 CHAIRMAN MADIGAN: Correct. This is an
16 accurate reflection of concerns of the group --

17 MR. MADDOCK: What you're asking is that
18 this represents or reflects the concerns?

19 CHAIRMAN MADIGAN: Right.

20 MR. MADDOCK: Thank you.

21 CHAIRMAN MADIGAN: Okay.

22 Yes, Ann?

23 MS. NOTTHOFF: I would just like to
24 endorse the caveat that our concern with the ecosystem
25 restoration Common Program may need to go farther than it

1 to deal with those particular components and maybe at the
2 same time we can deal with the second part of that, is
3 conceptually looking at a phased implementation then a
4 reasonable way to proceed.

5 Because, obviously, if it is, if this is a good
6 way to do it and that's a good way to stage, that's the
7 kind of the way that we would structure the analysis in
8 Phase II.

9 CHAIRMAN MADIGAN: Alex.

10 MR. HILDEBRAND: Is it clear that we are
11 agreeing that the common programs that have been listed are
12 appropriate for examination but that we would hold final
13 judgment on them until the assessments are made?

14 EXECUTIVE DIRECTOR SNOW: Absolutely.

15 CHAIRMAN MADIGAN: All right.
16 Richard.

17 MR. IZMIRIAN: I'm in concern that
18 question two there that demand management is not there.

19 Gary Bobker just enumerated a lot of the
20 elements of the water demand function. Water use
21 efficiency may be part of that demand function but it
22 doesn't substitute for it.

23 There is no agreeable definition of water use
24 efficiency except that it does not include land retirement.

25 I don't know how the decision was made to drop

Page 154

Page 156

1 does currently.

2 CHAIRMAN MADIGAN: All right. Seeing no
3 great objections to that -- Roberta, is this a great
4 objection?

5 MS. BORGONOVO: No.

6 CHAIRMAN MADIGAN: Oh, good. Seeing no
7 great objection to it, is this okay then?

8 MS. BORGONOVO: Is this our only chance to
9 give our input into CalFed?

10 CHAIRMAN MADIGAN: Well, we've only dealt
11 with the first question so far.

12 Okay. Mr. Snow.

13 EXECUTIVE DIRECTOR SNOW: This is the last
14 chance, Roberta. You guys will never meet again.

15 I heard somebody say "promise".

16 This was just the first question.

17 Now, you'll notice that in answering the first
18 question we've hit quite a few of these others.

19 In fact, quite a few of the caveats that were
20 given really relate to what needs to be analyzed in Phase
21 II so I think we've covered a fair amount of ground, but I
22 do want to focus on the next two questions really which
23 deal with the Common Program.

24 And essentially is having this Common Program
25 that evolved through the Workshop process a reasonable way

1 the demand management for water use efficiency.

2 I don't think it was made based on discussion
3 here or in the work group. I would like to see demand
4 management returned up there.

5 EXECUTIVE DIRECTOR SNOW: And to
6 specifically accomplish having a place to put permanent ag
7 land retirement?

8 MR. IZMIRIAN: That and a number of other
9 elements of demand management.

10 EXECUTIVE DIRECTOR SNOW: I'm not sure
11 what those other elements are.

12 MR. IZMIRIAN: I think Gary very nicely
13 summarized them a little while ago.

14 EXECUTIVE DIRECTOR SNOW: Okay.

15 CHAIRMAN MADIGAN: Eric.

16 MR. HASSELTINE: Lester, I wanted to speak
17 to the common programs and follow-up on a variety of
18 comments that have been made so far today and I guess
19 primarily in response to what Jeff Phipps brought up, too;
20 in terms of objectives within these common programs.

21 What we have is four categories of actions
22 really. So we have a variety of actions that are split
23 among four categories.

24 All of which are intended to provide some
25 improvement to the system or to take us along the path, and

Page 157

Page 159

1 there is language in here that indicates we'll start out
2 with modest efforts and then gradually increase them as the
3 process proceeds.

4 The difficult problem that I see and I think it
5 gets to some of the questions that Judith raised about
6 confidence and Tom Maddock raised, also, in terms of
7 affordability is one of our solution principles and
8 something that came up in our finance working group is
9 trying to assess really when you're applying scarce
10 resources to an overall effort like this, what are you
11 really getting for your money as you're spending it?

12 How far along the line does each dollar take
13 you?

14 And if you don't have something to measure your
15 accomplishment in each of these categories of common
16 programs by, it becomes very, very difficult, and at least
17 one cursory way of doing that is setting some objectives
18 and trying to see how close you are getting to your
19 objectives as you put together these combinations of
20 actions, but I don't see that in here anywhere. I'm left
21 kind of hanging here sort of understanding that, yes, we
22 are taking these actions because everybody agrees that they
23 contribute something, but we don't really know how far we
24 want to go with that and as we get into the ultimate
25 question of how we are going to try to pay for this and

Page 158

Page 160

1 implement it we don't really know how far to push it or how
2 to measure the cost effectiveness of each of these actions
3 if we don't have some sort of measuring stick.

4 EXECUTIVE DIRECTOR SNOW: I think there is
5 a couple of things that get at that issue.

6 One is you may recall in the early phases of
7 the program, maybe our either second or third meeting, we
8 dealt with objectives.

9 We started off talking about problems and then
10 we had the four basic objectives for the four resource
11 areas, and then underneath the four were, I believe, 14
12 secondary objectives and then underneath the 14 -- I can't
13 remember the total number under that -- but we have
14 actually developed fairly specific objectives, not all
15 quantified in the detail that you are suggesting, and I
16 think that on that step in the evolution of those
17 objectives is to try and develop as many quantifications as
18 possible.

19 Now, we are clearly focusing on that in the
20 ecosystem program and trying to come up with targets for
21 different types of habitat and so I think turning those
22 into -- I mean, the way of this discussion is using the
23 concept of objectives, it's like a performance measure you
24 are and I think also what we will see out of the Phase II
25 analysis, the term I would use to characterize it it's kind

1 of the break point cost effectiveness.

2 If you can achieve a certain level of
3 water quality for the first five hundred million dollar
4 investment and for the next billion dollar investment you
5 only get a one percent increase in water quality, well,
6 there is a break point of some sort there and I think the
7 combination of the analysis of what we can actually achieve
8 for the implementation and a better quantification of the
9 objectives or improved quantification of the objectives
10 gets at the issue that a number of people have been
11 discussing this morning.

12 So I think perhaps even as early as our next
13 meeting we may want to go back and revisit the objectives
14 that we considered roughly nine months ago and look at them
15 and see how they look in comparison to where we are with
16 the rest of the program right now.

17 CHAIRMAN MADIGAN: Roberta.

18 MS. BORGONOVO: I wanted to go back to
19 what Richard brought up when he was talking about demand
20 management.

21 I'd just go back to my own organization's
22 position on protecting the Bay Delta and, that is, that
23 there is a need to set limits on the amount of water to be
24 exported through or around the Delta.

25 And so I think I hear Richard talking about the

1 generic demand continually continuing to take freshwater
2 flows out of the Delta and I think that that's what I hear
3 him saying. When that got dropped that concept that would
4 not be a legitimate goal to continue to protect that
5 freshwater outflow that's needed throughout all of these
6 practices. That kind of thinking is now over in water use
7 efficiency and it's not the same concept and so I think
8 that I also would like to see that addressed in the generic
9 term.

10 I understand that I think probably the reason
11 we dropped it is because demand side management has a
12 particular term for certain urban water agencies when their
13 talking about customer use, but I think that it has these
14 larger implications that should be at least talked about.

15 CHAIRMAN MADIGAN: Judith and then Alex.
16 I just received stunning news from Sunne here and I'd like
17 to pass it on to you when I get a chance.

18 She reports that our staff has, in fact, talked
19 to the management of this building and they report that it
20 is a Sacramento County ordinance that precludes them from
21 turning down the air conditioning.

22 I'd just pass this along to you.

23 Lester.

24

25 (Off-the-record comments)

Page 161

Page 163

1 MS. REDMOND: Jumping back to the
2 discussion about finances, I would just like to
3 encourage -- I think that when the Common Program approach
4 was announced, that it helped to clarify a lot of what was
5 going on. It was a helpful structure for me, at least, and
6 I would -- I think that in the past there has been such
7 emphasis on other approaches, you know, conveyance systems
8 and storage systems and so forth, that many times those
9 things get a lot of the attention and definitely they often
10 get a lot of the financial resources.

11 So when -- the commitment here is to extensive
12 levels of all of these common programs and I think what
13 that implies is also a greater degree of resource
14 allocation to those common programs than we've seen in the
15 past.

16 Generally -- I mean, those things could be very
17 expensive if they are done right and we haven't really seen
18 them done right in the past, I think, so this would
19 be -- this is a real opportunity to put some resources into
20 those common programs and do those things right and see
21 where that gets us because in the past the resources have,
22 I think, gone into other areas.

23 But I would just encourage really thinking
24 ambitiously about what we can achieve with the common
25 programs.

Page 162

1 CHAIRMAN MADIGAN: Thank you. Alex.
2 MR. HILDEBRAND: I'd just like to
3 reiterate, if I didn't make it clear before, that I
4 strenuously object to CalFed's fostering a reallocation of
5 water from one broad purpose and use to another unless and
6 until this body specifically agrees to some specific
7 measure in that regard.

8 CHAIRMAN MADIGAN: Okay. Thank you.
9 Tom.

10 MR. GRAFF: I have a generic question,
11 which is that both of these refer to development of a
12 program -- one refers to development of a program, the
13 other to implementation, and I understand -- I mean, CalFed
14 is a planning entity really. I understand how it can
15 develop a program, but how -- what is the strategy to get
16 from development of programs to implementation of programs,
17 particularly, the ones that are, you know, underway soon, I
18 mean, before a final EIS is completed, for example?

19 Or are we not going to do anything as a program
20 until that's done?

21 EXECUTIVE DIRECTOR SNOW: There are,
22 certainly, actions that can and will be undertaken prior to
23 completion of the EIR/EIS that contribute to the goals of
24 the CalFed Program.

25 And just several examples, there are

1 improvements in the ecosystem, ecosystem restoration that
2 are being undertaken by the CVPIA restoration fund in
3 category three.

4 There clearly are water use efficiency measures
5 that are being undertaken by both urban and agricultural
6 agencies so we intend -- I mean, the extent to which we can
7 influence those activities so they contribute to the
8 long-term solution, we are doing that so there is
9 implementation that, in fact, is going on.

10 I forget the first part of your question.

11 MR. GRAFF: Yeah.

12 I mean maybe a longer term question is do you
13 anticipate that once the EIS is out, the program continues
14 and becomes an implementing entity?

15 EXECUTIVE DIRECTOR SNOW: No, not
16 necessarily.

17 I think that's the issue that needs to be
18 evaluated as part of the implementation strategy, is what's
19 the best way to assure these things happen and that
20 they -- everything moves forward linked together?

21 And that's part of the assurances effort,
22 whether a mere contract between parties, make sure these
23 flow forward, or if their needs to be institutional
24 modifications, but there is no assumed role for CalFed or
25 BDAC beyond completion of the EIR/EIS.

Page 164

1 But the issue that you are asking about is what
2 we specifically want to evaluate when it comes to this
3 third question, is a staged implementation, where you
4 clearly have distinct stages, packages of actions that
5 would be implemented, kind of as a package and then
6 subsequently additions made to it so it's staged over a
7 longer period of time.

8 MR. GRAFF: You mind if I bog this up a
9 little bit?

10 Dan Nelson is in the audience and he can
11 comment on this, too.

12 We've been having problems recently on the
13 drainage issue and one of the kind of areas of disagreement
14 is that there was a consensus effort that held together
15 pretty well and produced a report on the drainage program
16 with the advisory committee that was balanced and
17 supportive of the program and then it disappeared and there
18 is big debate about whether implementation has been
19 successful or not with the Valley interests more or less
20 saying, yeah, we are moving along doing an lot of good
21 things. The environmental interests saying what's
22 happened? Very little and no kind of forum really to
23 decide which is true or which has the valid perspective.

24 CHAIRMAN MADIGAN: Sunne.

25 MS. McPEAK: Tom, I would just comment

Page 165

1 that it is my understanding that part of the scope of the
2 work group assigned to look at assurances would be to take
3 on that kind of aspect of ongoing either oversight or
4 aggressive monitoring until such institutions come into
5 place.

6 I think we would all want to know that there
7 was going to be the sustained momentum from the time that a
8 decision is made. So if that is not part of it,
9 Mr. Chairman, we should assign that out.

10 Steve had raised an issue earlier about some
11 issues that should be looked at by the work group on
12 institutional assurances, but --

13 MR. GRAFF: Maybe Roger and Michael have
14 already looked at this, too. I don't know.

15 MS. McPEAK: I mean, it needs to happen.
16 We can't just let it -- what you're saying is make sure
17 that we have as part of our task to see how you sustain
18 follow-up, implementation and momentum.

19 I was answering pretty quickly when you were
20 asking the question, saying no, not necessarily because we
21 as a group here haven't been asked to go on to what will be
22 clearly some additional agencies or organizations, some may
23 not even yet in place or contemplated that will have the
24 responsibility for implementing and spending money. We
25 weren't expecting that this is going to be the group of

Page 166

1 folks who would be overseeing those kinds of
2 implementations but to sustain the forward movement and
3 oversight until there are those agencies has to be, I
4 think, a part of we would charge ourselves with doing.

5 CHAIRMAN MADIGAN: Michael or Roger?

6 MR. MANTELL: Roger and I were just
7 talking about this and obviously as some of the materials
8 indicate any solution that is going to be effective has to
9 be implementable and as part of what is implementable is,
10 you know, what institutional resources and staying power is
11 going to be available to carry it through.

12 This is an issue that CalFed is going to give
13 great deal of thought to. It's entirely conceivable that
14 some sort of CalFed arrangement or variation on what we
15 currently have could become the long-term implementing
16 entity, and, frankly, while it's not currently within this
17 group's charter at the appropriate time it's very
18 conceivable that CalFed would ask for input from a
19 group -- from this group as we get closer to figuring out
20 what the solution is, is how best to implement it and
21 through what institutional mechanisms, but I think it's
22 a -- well, it has to be something that we are constantly
23 thinking about. It's premature to engage in a full range
24 of discussions about, I think, because we're not --

25 CHAIRMAN MADIGAN: Before you have any

Page 167

1 other thoughts about this group we need to have breakfast
2 or something.

3 Okay.

4 Roger and then Stu.

5 MR. STRELOW: I think people have
6 appropriately focused hard on the question of ensuring
7 sustained effort, ensuring commitments and as Sunne pointed
8 out, the assurances group really has to look very hard at
9 this.

10 I think assuming, as I do, that there is very
11 substantial consensus on the need for that mechanism, both
12 as part of our deliberations and as part of any ultimate
13 program, I would just like to get back to the point about
14 staged implementation.

15 If you have that kind of effective oversight to
16 ensure that commitments are met, that the programs don't
17 just kind of dribble off somewhere, with that important
18 assumption then I would like to endorse heartily the notion
19 of phased and staged implementation because at the level of
20 broad objectives there wouldn't be any real debate
21 probably, but an awful lot of individual efforts or
22 commitments that may look great at one point, you know,
23 five, ten years later there may be a better way of doing it
24 or something.

25 An example Lester gave, you may get to a point

Page 168

1 where additional expenditures on a particular course would
2 get very little additional benefit and would preclude you
3 from doing other things that you now see could be even
4 better in the same category, moving towards, say,
5 environmental restoration. So I would hate to think that
6 we felt smart enough right here and now to say we know
7 exactly how much of each of these things we ought to do.

8 We know the kinds of things. We can in many
9 cases get, you know, a pretty good rough magnitude but we
10 sure ought to leave the process with some flexibility to
11 adjust provided it has this overlay of accountability.

12 CHAIRMAN MADIGAN: Stu.

13 MR. PYLE: I'm glad to see the subject of
14 implementation come up before this group.

15 I brought this up in the ecosystem restoration
16 work group, and I felt that it's really necessary to
17 develop the administrative program for carrying out this
18 implementation, but I don't think that it's enough to
19 merely outline the physical program that proposes the
20 restoration or the programs or whatever it is in terms of
21 restoration, but somehow you'd have to get all the way
22 through this process of how as the technical people with
23 the expertise go along, how they propose programs, how they
24 get them approved, how they carry them on into approval and
25 authorization or an implementation of funding, discussion,

Page 169

Page 171

1 finally back to the review and the reworking of these as
 2 they go on over the decades.
 3 And I think so far the CalFed has seen itself
 4 looking just at delineating this physical and operational
 5 program that hopefully will result in the restoration or
 6 the action of improving water supplies, levees and so
 7 forth, but I think also somehow they should endorse somehow
 8 dealing with this structure, the administrative structure
 9 that oversees it that brings together all of the agencies.
 10 Somehow you have to outline the role of who
 11 this Agency is and are we automatically assuming that
 12 CalFed is going to be here, is it going to be the
 13 overriding Agency that administers this thing over the long
 14 haul?

15 And I think there is just a lot of things in
 16 this administrative program that should be brought up.

17 And if I sound like I'm losing my voice I'm
 18 sitting in about a five naught wind (laughter) at a 45
 19 degrees temperature here.

20 MR. STRELOW: Don't want to violate the
 21 law.

22 MR. PYLE: sunne, maybe you asked the
 23 wrong question. Did you ask if they'd turn it down or turn
 24 it up?

25 MS. MCPEAK: No, I think they have been

Page 170

1 trying to do it.

2
 3 (Off-the-record discussion)

4
 5 CHAIRMAN MADIGAN: Dan, you're next.

6 DAN NELSON: Yes. Regarding the staging
 7 of implementation --

8 CHAIRMAN MADIGAN: Use the mike, would
 9 you?

10 DAN NELSON: Excuse me.

11 Regarding the staging of implementation, there
 12 was a guiding principle that was used in the development of
 13 SB 900 that I think is applicable here.

14 And, that is, again, out of the three things
 15 that we are all trying to accomplish, supply, quality and
 16 ecosystem restoration, that all of these components move
 17 together in a balanced way, one not getting out in front of
 18 the other, and I think the notion of staging the
 19 implementation is a very practical one and one that we want
 20 to do, but I think it's one that we want to do with that
 21 guiding principle in mind, that we have to be very
 22 cognizant that we are doing this in a balanced way and that
 23 we are not just implementing one statement and leaving the
 24 others behind.

25 CHAIRMAN MADIGAN: Thank you.

1 Bob.

2 MR. RAAB: I just wanted to say amen to
 3 what Stewart Pyle just said.

4 CHAIRMAN MADIGAN: About the wind?

5 MR. RAAB: About the wind. I was on
 6 another level.

7 I'm on the level of management.

8 As I said in the restoration Committee meetings
 9 hearing, the scientific information is raising my knowledge
 10 of habitat issues from two percent to three percent but I
 11 keep thinking, gee, I wish I knew how we could get into a
 12 management mode on all of this, so that we can see some
 13 kind of practical application of all of this theoretical
 14 knowledge which I feel is getting to the point where it's
 15 almost getting to be analysis to the point of paralysis.

16 So I just want to second what Stewart says.

17 CHAIRMAN MADIGAN: All right. Audience,
 18 this is an appropriate time for those of you who wish to be
 19 heard on this particular subject.

20 And if you've not left your name and address,
 21 we'd appreciate it.

22 Mr. Petry.

23 MR. PETRY: What size jacket do you wear,
 24 Roger?

25 MR. THOMAS: It is (indicating) It's

Page 172

1 comfortable.

2 MR. PETRY: Well, he must be under the
 3 heat because he's not wearing his jacket.

4 But, anyhow, I'd like to give comment in
 5 regards to the San Luis drain and I know it's a touchy
 6 subject, but it does reflect the area that I live in and it
 7 drastically reflects on it not only with our water quality
 8 but also with the fish in the Mendota Pool.

9 It appears that the San Luis drain is going
 10 through our aquifer and bleeding off in the Mendota Pool,
 11 and if you understand the hydrology of the water the way it
 12 runs, they reverse the flows, and they take these bad
 13 waters back up by the giant James Bypass and that goes
 14 south of our area and they irrigate with that, the San
 15 Joaquin and in that area.

16 Not only that when four entities pull out of
 17 the Mendota Pool it goes into the Central Valley area and
 18 they irrigate the lands with that.

19 Now, what goes down past the Tracy pumping
 20 plants, it doesn't happen too often, and it should go down
 21 to the top of the sea intrusion, but what does go down
 22 there doesn't help the estuary neither. And we are talking
 23 1700 pounds of totally dissolved solids in that aquifer in
 24 the city of Mendota in 1995. We are talking about 489
 25 parts of selenium coming out of the Pinoche Hills.

Page 173

Page 175

1 These flows that come out of the Pinoche Hills
2 have a lot of man-made diversions, particularly between the
3 Fairfax Avenue and Mendota Pool.

4 We had a 1300 cubic second foot flow coming
5 down in 1995 that carried silt, selenium and debris, rattle
6 snakes and everything else into the Mendota Pool.

7 So how can we attain water quality in the
8 Central Valley region when they are irrigating those lands
9 in the Central Valley region with the waters coming from
10 the Pinoche Hills and out of the sub-surface area from the
11 San Luis drain.

12 And how they are going to rectify that, I don't
13 know, other than continuing the San Luis drain or
14 additional flows to dilute it from Millerton Lake.

15 I don't have time to tell you what all the
16 benefits are but I will put it in writing, what additional
17 flows in the San Luis drain and the San Joaquin River
18 coming out of Millerton Lake or above Millerton Lake.

19 The benefit where I'm concerned is with the
20 fish.

21 In the past two, three years ago there was
22 ringworms between the skin and the flesh. Now the
23 ringworms are in the guts.

24 Now, this is a serious matter with me because
25 I'm retired. I've got nothing else to do but come to

1 concern about it. Thank you.

2 CHAIRMAN MADIGAN: Thank you, Mr. Petry.
3 Is there anybody else in the audience?

4 Yes (indicating).

5 BILL DUNN: There is just a few comments
6 that I'd make here on various elements of the subject,
7 based mostly on the fact that I've been involved in the
8 water business here for about 45 years.

9 I think Clair Hill is the only guy around here
10 that's been involved longer than I have, but, at any rate,
11 I'd like to make a few comments here, especially in the
12 matter of water supply.

13 I think there is a need to evaluate each
14 element as to how it affects the water supply.

15 As I look at a lot of these things they are
16 negative and you add all of the negatives, especially, the
17 environmental things, not that I'm opposed to them, but I
18 think it should be understood what the impact is on water
19 supply, and these should all be added up and then when you
20 get to the matter of areas or programs that involve
21 positive supplies, how really feasible are they, how much
22 do they really involve?

23 One of the things that I'm concerned about, and
24 there is something that's felt is a big long-term solution,
25 especially in drought years, has been the matter of

Page 174

Page 176

1 Sacramento and fight for water and go fishing and I could
2 be fishing today if it wasn't for what's going on now.

3 CHAIRMAN MADIGAN: Couldn't we all
4 (affirmative nod).

5 MR. PETRY: There is a need for additional
6 flows and it will resolve a lot of problems.

7 And I'm hopeful that the understanding will
8 come about to that.

9 There is so many benefits from additional
10 water. There could be additional flows of high quality
11 water to flush out the grasslands. It wouldn't have to
12 come from the Delta.

13 There could be additional flows to -- for the
14 fish in the San Joaquin River.

15 Four, five years ago I was catching salmon in
16 Los Banos. Why can't they go another 35 miles?

17 There is no reason that we can't have that.

18 Now, if we could get a salmon run coming back
19 again, would we have to have spawning farms for them when
20 we bring them back to a natural stance, like they were in
21 the beginning. This is what we need to go back to.

22 How much money would we save there?

23 We need to get a population of fish in the
24 Mendota slough so I won't have to come to the Sacramento
25 Delta to fish and I think there needs to be a lot of

1 conjunctive groundwater use and in theory the thing sounds
2 great and it is great and it's really a major solution of
3 long-term water supply for drought periods.

4 It's well-known that we send a lot of water
5 into the ocean during wet or normal years and then don't
6 have enough during the dry seasons and the groundwater is a
7 good theoretical deal.

8 There's some real serious problems, very
9 serious problems.

10 In many cases, in very few cases do you have a
11 situation where you have a limited number of stakeholders
12 overlying the groundwater basin. In most cases even no
13 matter how badly overdrawn these basins are, if you start
14 doing something as per the Butte basin where they ran into
15 all sorts of problems, including lawsuits, you find out
16 you've all of a sudden got hundreds, maybe thousands of
17 people overlying the basins that there affected in
18 different ways by however you want to operate that basin,
19 and this is something that needs to be solved and looked
20 into and checked for feasibility. As I say, I think
21 conjunctive use of groundwater is a very important element
22 of water supply in California but, we must be realistic and
23 try to see if we can solve these problems of how to really
24 implement this program.

25 The matter of upstream storage, I like this

Page 177

1 idea. I think upstream is the only real positive method of
2 increasing the water supply. As a person from -- I might
3 introduce myself, because I'm the Director of the Calaveras
4 County Water District.

5 Of course, I'm very interested in mountain
6 counties problems, and we need water and, unfortunately,
7 especially if you go over 2,000 foot elevation we don't
8 have any alternatives. We have no groundwater basins up
9 there. And our hills are so steep offstream storage is
10 rarely available. We're restricted to instream storage.

11 And we need these because if you look at the
12 roles of ownership in our areas, half of the people, at
13 least half of the owners, are people of the urban areas,
14 Los Angeles, the San Francisco Bay Area. We had one tract
15 244 lot holders, 42 percent were from the Bay area, the
16 owners of these parcels. They are all going to move up
17 there and want water and we've got to supply them. Where
18 are we going to get it?

19 We can't get it from the groundwater.

20 We can't get it only from developing instream
21 sources and putting in reservoirs. If we build a reservoir
22 up there, we've got to plan for 20 years of supply. You
23 can't put a reservoir in every year and keep building and
24 enlarging it. You put in a reservoir for a 20 year supply
25 but in the first five years you don't use any of it. You

Page 178

1 use maybe five or ten percent of the capacity and the rest
2 of the water us just goes downstream and furthermore you've
3 got level payments on these things so that your cost of
4 water is actually prohibitive in the first few years.

5 What we need is some help in here and say if we
6 build upstream storage, let's say we build 20,000 acre feet
7 of storage, let's say that all of the excess capacity or
8 capability of that yield in that system could be accredited
9 and compensated for by the Bay Delta is upstream storage.

10 So that I'm saying here we could have a fairly
11 sizable contribution to upstream storage from little
12 reservoirs up and along the mountain areas that are serving
13 the mountain people. And then you could move ahead with
14 the larger reservoirs, which, of course, would be the most
15 economical but we need to be considered in this whole
16 program of upstream storage.

17 One of the questions I raise talking about the
18 limit -- upper limit of the isolated facility, 15,000
19 second feet because they say that's the capacity of the
20 State and Federal water transportation facilities, but
21 there is other needs for water from an isolated facility
22 western, San Joaquin County desperately needs water.

23 They would certainly be willing to take out of
24 the south Delta.

25 Even Alex would love to see some good water

Page 179

1 down in the south Delta there. Water supply to eliminate
2 reverse flows, these are all needs that could well be met
3 far beyond the needs of the pumping plants that transfer
4 water further south.

5 And I'm especially interested -- and this has
6 been one thing that's come up here -- is the matter of the
7 BDAC assurance work group and I'm very fascinated by that.

8 This is the first time I've heard of it, and I
9 hope that this goes ahead and moves and I will certainly be
10 participating in it because we have a great concern about
11 this.

12 We are worried about assurance of counties of
13 origin. Are we going to be satisfied or assured that we
14 are going to have water when we need it and how are we
15 going to do it? How are we going to ensure this?

16 We've been talking for decades about trying to
17 get a Constitutional amendment to try to assure water
18 awards and rights, never could get it through the
19 legislature. Maybe if we put it as part of a package that
20 came through this CalFed process maybe we could get it into
21 a Constitutional amendment but I'm very much concerned
22 about that, that we should be able to assure the long-term
23 benefits to the counties of origin.

24 And my concern, also, as far as assurances are
25 concerned is earlier developments versus long range

Page 180

1 developments.

2 We might have a lot of support in the things
3 that are built in the next five years. What's going to
4 happen to those things, more specifically, reservoirs,
5 storage facilities, things like that, that take a longer
6 time to put on line.

7 The very people that are supporting this
8 program will heartily support the things in the first few
9 years, mostly of which are environmental and then opposing
10 or not support and maybe even take to court to oppose these
11 later facilities.

12 How do you ensure that these later facilities
13 are going to be implemented to make this equation work out?

14 Thank you very much.

15 CHAIRMAN MADIGAN: Thank you, sir. Yes,
16 sir.

17 BILL DU BOIS: I'm Bill Du Bois with the
18 California Farm Bureau.

19 The reason that I'm before you is only that in
20 the meeting summary of June 28th on page 7 it refers to my
21 comments on the San Joaquin Valley drainage program and it
22 uses the word that I consider it a promising solution to
23 the problem, and I think there must be some confusion
24 between -- I know there is some confusion between what I
25 think and what this reports.

Page 181

Page 183

1 I'm not sure whether I actually said something
2 like this. If I did, I'm horrified.

3 But I certainly -- I do think there is one
4 aspect of that --

5 CHAIRMAN MADIGAN: You are in some good
6 company.

7 MR. BROWN: -- drainage report that is
8 promising and that is that it says that some day they are
9 going to have to do something about getting rid of the
10 salt. That's the only thing in it that's promising and I
11 just wanted to straighten that out because I don't want
12 anybody to think that I considered that that report using a
13 system of confining waste on the individuals farms is
14 anywhere close to a solution to the salt removal problem in
15 the San Joaquin Valley or anywhere else in California.

16 Thank you.

17 CHAIRMAN MADIGAN: Thank you.

18 Now (indicating).

19 ARNOLD RUMMELSBURG: My name is Arnold
20 Rummelsburg representing Wheeler Ridge Maricopa Water
21 Storage District where a member unit of the Kern County
22 Water Agency contract for about 250,000 acre feet of
23 entitlement, the largest agricultural contractor then in
24 the State Water Project.

25 I wanted to comment on item number two, a

Page 182

1 portion of it there, the ecosystem restoration.

2 I've heard a lot of about ecosystem restoration
3 and in one of the earlier sessions I think I raised a
4 question of what is it or at least we had it in our letter.
5 We didn't understand restored to what, where are we going?

6 Just a day or two ago I received a document, a
7 biological study, a case study of the biological invasion
8 of the San Francisco Bay and Delta.

9 And I thought this was most interesting because
10 even though I haven't been around as long as Bill Dunn I do
11 remember when the Delta pool concept was what we were all
12 talking about and we put together the State Water Project.
13 We thought we had water rights. We thought we had a
14 certain yield. Every time the Board would meet, make some
15 new decisions we'd lose some water.

16 It seems that every time there is a problem in
17 the Delta a lot of people think that you can solve it by
18 throwing water at it and we wondered whether that was the
19 case and I've heard very little through all of the
20 activities of CalFed and BDOC, although I'm sure it has
21 been discussed some, of this business of introduced species
22 in the Bay Delta estuary.

23 This report recently has a date of December,
24 1995, makes the statement that the San Francisco estuary
25 can be recognized as the most invaded aquatic estuary

1 system in North America. Now, what does that really mean
2 and what's the significance to what we are doing here?

3 Well, the significance, it seems to me, is that
4 we've got to make sure that these things that we are
5 talking about for ecosystem, and I'll use the word
6 improvement, are going to work. So I think it's important
7 that there be a great deal of attention to that very thing,
8 and if we do these various things that are being talked
9 about and change some of the flows and do some of these
10 things, are they really going to accomplish what we are
11 talking about or are we just throwing more water away?

12 It makes the statement in here that perhaps the
13 greatest economic impact may be derived from the
14 de-establishment of the estuary's biota, due to the
15 introduction and establishment of an average of one new
16 species every 24 weeks

17 This phenomenal rate of species addition has
18 contributed to the failure of water users and regulatory
19 agencies to manage the estuary so as to sustain healthy
20 populations of anagamous and native fish.

21 Lester, I'm not sure. You probably have this
22 report. I think it would be well for at least the
23 Executive Summary of it to be made available to all of the
24 members of BDAC and we need to make sure that certainly as
25 water users we are in support of improving the environment,

Page 184

1 the habitat and all of that, but we don't want to be
2 throwing more water away and have it not do any good. So I
3 commend this to you and I'd like to hear from your people
4 later on just how this can be tied into the entire system.

5 CHAIRMAN MADIGAN: Thank you, sir.

6 All right. Let's give it a go. See what our
7 notes look like and see if we have something that
8 approximates again consensus on the thoughts of this group
9 regarding the question.

10 SCOTT MCCREARY: We had relatively less
11 discussion on the common programs and on staging compared
12 to the ideas that we discussed this morning but still we
13 think there are some conclusions that can be pulled out.

14 Common programs are a practical idea and a
15 helpful structure. That seemed to be the sense of the
16 group.

17 The common programs help bring a focus on the
18 need to make expenditures in these four program areas that
19 otherwise perhaps would get less attention. There are some
20 concerns expressed about whether common programs will be
21 extensive enough.

22 I mean, remember, the whole premise of the
23 common programs was the critique of the earlier
24 alternatives that some of them just didn't go far enough in
25 these four program areas. We are still hearing some

Page 185

Page 187

1 residual concerns about that.

2 There was also a question about the need to
3 clarify how implementation of an alternative could affect
4 implementation of the common programs. In other words,
5 would we really have parity across all four common programs
6 with the different alternatives?

7 There were some concerns specific to the
8 different program areas.

9 On ecosystem restoration we heard some concerns
10 about whether the details for the central Delta were
11 specific enough. We heard a lot of different concerns
12 about water use efficiency on various sides, about whether
13 we were pressing hard enough, about whether demand
14 management was getting enough attention and about whether
15 there were inappropriate impacts, especially on the
16 agricultural community.

17 So that seemed to be the gist of the comments
18 on the Common Program, again, overall, the sense of the
19 group seemed to be that common programs are a good idea and
20 a helpful structure and a superior policy choice to the way
21 they were handled before.

22 CHAIRMAN MADIGAN: Thoughts.

23 Questions? Comments?

24 Okay?

25 Okay. All right.

Page 186

Page 188

1 Let's go on to question four then and we may
2 be --

3 SCOTT MCCREARY: Mr. Chair, I'm sorry,
4 there was also a summary on question three.

5 Do you want to do that briefly?

6 CHAIRMAN MADIGAN: Well, sure we do.

7 SCOTT MCCREARY: All right. Staging of
8 common programs, again, the idea that this is a practical
9 approach, the idea that we should try and move forward with
10 all four components so that no one of them gets ahead of
11 the others and clarify how CalFed, which is essentially a
12 planning group, can really sponsor implementation and that
13 seemed to be the sense of the group on this one.

14 CHAIRMAN MADIGAN: Yeah. CalFed or
15 something like CalFed, I guess, supplementing agency,
16 anyway, okay.

17 All right. Let's go on to question four.

18 The question is the level of public involvement
19 and outreach, has it been adequate?

20 MR. FOLEY: Yes.

21 CHAIRMAN MADIGAN: Tom.

22 MR. MADDOCK: Earlier Bob Raab mentioned
23 as part of the initial discussion some concern that groups
24 in the Bay Area had -- that perhaps they don't understand
25 the program and I might say that I have had a lot of

1 feedback here in the last several weeks from particularly
2 business groups in Southern California that kind of
3 parallel what Bob was saying so far as Southern California,
4 and I suppose I would have to -- and I said I would feed
5 this into the system -- that the general view is perhaps
6 there has not been enough of an outreach to 16, 18 million
7 people in Southern California. So I hope you will take
8 that into consideration here as we move ahead.

9 CHAIRMAN MADIGAN: That's the reason for
10 the question.

11 All right. Thank you. Roberta.

12 MS. BORGONOVO: I would just reiterate
13 that we talked yesterday, I think Tom had brought it up in
14 the finance group, about holding meetings in Southern
15 California.

16 But you might also consider holding a meeting
17 in the Bay Area, perhaps down further in the Valley, just
18 because everything those meetings with the whole CalFed
19 team here is slightly -- is a different way of allowing
20 people to have input than coming up to Sacramento.

21 CHAIRMAN MADIGAN: You can just never
22 really have too much public input in a project like this.
23 Yeah.

24 I mean, that's really almost where it gets.

25 All right. Who else?

1 David.

2 MR. GUY: I think one suggestion, Lester.

3 I think there has been some concern from
4 mountain counties, I know, from the outset of the project
5 and I would urge you to take that into consideration in
6 Phase II, to try to get out into the mountain counties.

7 CHAIRMAN MADIGAN: Sunne.

8 MS. MCPPEAK: You could going to respond to
9 mountain county district?

10 (Inaudible)

11 MS. MCPPEAK: Well, what we have done so
12 far, except for the geographic locations is to have lots of
13 Workshops and invited anyone who wanted to come and that's
14 been an extra ordinary effort, but looking at what Bob Raab
15 earlier talked about, maybe people not knowing because
16 while it's been an impressive number of people who have
17 responded to the invitations to attend Workshops we have
18 not taken the entire State and said where are all of the
19 stakeholders and can we do an outreach?

20 Can we systematically figure out all of the
21 interests that are there and invite them in. So if you're
22 really going to do that, you'd take a look at community
23 groups, governmental agencies. I know that we have a
24 contract with the local Government institute that's
25 reaching out to city and county officials, but business and

Page 189

Page 191

1 labor and perhaps other community based organizations, but
2 really invite them in to some six, if you will, round
3 tables almost within California that have -- they are open
4 meetings. Anyone can attend, but really ask them to come
5 in. So if you are going to -- if you want to take this to
6 the ultimate, that would be the next sort of format and
7 posture we would want to pursue.

8 CHAIRMAN MADIGAN: Ann.

9 MS. NOTTHOFF: I see that we have a pretty
10 long list here of presentations that CalFed staff has made
11 to stakeholder groups and I think that's another way of
12 identifying groups that have not participated as
13 extensively in the Public Workshop process that, in fact,
14 should be hearing more about where we are now that we've
15 got a smaller range of alternatives. It's a little more
16 digestible at this point and I'm really going out and doing
17 some presentations to those groups and being pro-active
18 about it rather than asking them to come to a
19 hearing -- coming to the hearing.

20 I think this might be a good thing to do in
21 this next phase.

22 CHAIRMAN MADIGAN: All right.

23 Members of the audience?

24 (No response)

25 What have we got?

Page 190

1 I guess the notion here really is we've done
2 quite a bit. There is quite a bit more to be done. We
3 need to get even a little more creative in terms of how
4 we've outreached to reach all of the various interest
5 groups and subsets of interest groups around the State that
6 sort of -- you do absolutely as much as you can do
7 and -- yes, sir?

8 RICHARD HARTER: My name is Richard Harter
9 and I'm a retired organic farmer and as such I kind of feel
10 like the tail that's trying to wag the dog, but I hear you
11 talk about ecosystem efficiency and I can think in terms of
12 beavers.

13 My farming operation -- I think beavers have
14 played a part in the development of our renewable resources
15 that far exceeds anything the U. S. Army Corps of Engineers
16 have done.

17 I hear talk about new storage and this type of
18 thing. It just sounds like this is just a continuation of
19 what we've been -- we've gone through this phase of dam
20 building whether the U. S. Army Corps of Engineers have
21 done it, but they basically destroyed our -- so much with
22 the activities of agriculture and logging and a lot of
23 things that have been our renewable resources have been on
24 a decline.

25 I was born in the Sacramento Valley and I grew

1 up there, spent all my life there, and we used to go up in
2 the Elk Grove forest in the 1920's and 1930's and you could
3 drink the water.

4 There was lots of little clean babbling brooks
5 and there was no problem with drinking the water.

6 That's not true anymore, and I think it has
7 something to do with the carbon cycle. I think that when
8 you talk about water quality, it starts in the Sierra.

9 And now as far as land retirement and
10 agriculture, we view things just a little bit differently
11 as organic farmers maybe than what we term conventional
12 agriculture or industrialized agriculture, and
13 industrialized agriculture has gotten into where marketing
14 orders are -- affect just all kind of crops.

15 I am not sure just what all they are, but a lot
16 of just -- I know in the case of kiwis, we do grow kiwis
17 and they are subject to a marketing order, and about half
18 of those kiwis are not marketable through the normal
19 channels, but yet it's very good food, and I think this is
20 true of oranges and lemons and probably apples and pears.
21 I don't know how many things marketing orders are pertinent
22 to, and they are rejected in a lot of cases for minor
23 blemishes under these marketing orders, is this good food,
24 and as a result people -- this might be an insect bite or
25 might even be a worm or something, but this tends -- people

Page 192

1 to get more fruit into marketing channels and they've got
2 to deal with the insects or whatever, the disease, which a
3 lot of times they are pretty minor blemishes. As organic
4 farmers we don't use those chemicals. We find that there
5 is natural balances that work and as such we -- I don't
6 think we're affecting -- I think this heavy chemical use in
7 our agricultural lands, I don't think it's doing our soil
8 quality -- I think we are losing top soil. I think there
9 is a carbon cycle not only up in the Sierra and in the
10 soils of the Sierra that is a very fragile thing. It's
11 closely tied to the hydrological cycle and you get these
12 carbon -- and it has to do with living organisms, with the
13 fungi and the microscopic organisms and things in the soil
14 that seems like organic farmers understand some of those
15 things and air is just as important in the soil, oxygen, as
16 water is, and you upset some of these very delicate
17 relationships among these micro-flora in the soil and you
18 no longer have a healthy soil.

19 Nature tends to be a purifying process from
20 everything that I have observed where by the time we get
21 done with it, doing our -- what we consider good economic
22 practices and so forth, it is no longer a healthy
23 situation, and I think this is pretty much true of our
24 agricultural lands, and I think that affects water quality
25 and also quantity.

Page 193

Page 195

1 CHAIRMAN MADIGAN: Thank you, sir.
 2 RICHARD HARTER: Thank you.
 3 CHAIRMAN MADIGAN: Anything else under the
 4 general heading of public involvement and outreach that
 5 needs to be said?

6 Mr. Petry?

7 MR. PETRY: I'll be as brief as I can,
 8 Mike. It would take less time than splitting a six pack
 9 with you.

10 How about splitting a bowl of cowboy stew with
 11 me?

12 That will make you leave home, stay gone and
 13 never come back.

14 CHAIRMAN MADIGAN: I'll check on the
 15 recipe before I eat it.

16 MR. PETRY: Anyhow, what I'd like to see
 17 when you're talking about going to the Los Angeles area and
 18 doing some studying down there, what I'd like to see some
 19 of the Council members come to the 96340 area and I could
 20 give them a short tour over there and it might be of some
 21 benefit and make them better understand the conditions that
 22 we have there. If there are some members of the Council
 23 that would like to come to Mendota I'd be more glad to give
 24 them a tour of the area.

25 CHAIRMAN MADIGAN: Thank you.

Page 194

1 MR. PETRY: Thank you.

2 CHAIRMAN MADIGAN: All right.

3 Summary?

4 What have we got?

5 SCOTT MCCREARY: The question is is the
 6 level of public involvement adequate?

7 And I think the answer is probably a qualified
 8 yes, but there were a number of suggestions for specific
 9 groups and geographic areas that might be under
 10 represented, and I think if we kept going we'd probably
 11 have the whole State here. We've got Southern California,
 12 the Bay Area, mountain counties, business and labor and
 13 with the public comment, Mendota to round out the list.

14 There was also a question to somehow assess the
 15 number of groups or the groups that have a stake in Bay
 16 Delta issues, compare that with the people that actually
 17 come to Workshops or have gotten briefings and devise other
 18 methods of outreach.

19 So that seems to be the advice from the BDAC.

20 CHAIRMAN MADIGAN: Thoughts, anybody?

21 Okay. Are there any other issues under sort of
 22 a larger question number five that anybody here on the BDAC
 23 would like to see addressed?

24 Roberta.

25 MS. BORGONOVO: This isn't an issue that

1 has not been addressed, but I wanted to focus on it. I
 2 think that with all the talk of SB 900, the tremendous
 3 advantages it has for leveraging for ecosystem restoration
 4 that there is a tendency to think that that sort of takes
 5 care of ecosystem restoration and I think that we talked in
 6 the finance work group and that will probably come up under
 7 Eric's report about the need for this ongoing
 8 implementation of ecosystem elements, of the need for
 9 having some kind of a user fee that's very broad based,
 10 that would emphasize that ecosystem restoration affects
 11 water quality, water reliability and also has seismic
 12 considerations, but I think that this whole effort to
 13 integrate these different themes that are going through the
 14 work group is very important to the public at large. I
 15 think that what comes out of the finance work group can
 16 influence the water efficiency group, it can influence the
 17 whole ecosystem restoration and so that remains a concern
 18 of mine of how we begin to integrate the work of those very
 19 important groups.

20 MS. McPEAK: Roberta, on the question of
 21 user fees, which was also part of the initial discussions
 22 in the SB 900 negotiations, is there a preference that you
 23 and others have as to who pays the user fee?

24 Let me elaborate.

25 It can be done through revenue bonds as a

Page 196

1 financing mechanism, which is not a funding mechanism.
 2 Ultimately the users have to pay to generate
 3 the revenue stream to pay revenue bonds so in that case you
 4 would probably have user fees at the point of the user as
 5 opposed to a district or user fees going directly to the
 6 State.

7 Is there something in this dialogue that I'm
 8 not aware of that would help me understand the term user
 9 fee and is that something you expect the State to collect
 10 at the State level or could it be at a local water district
 11 level or all of the above and that's still open for
 12 negotiation -- for discussion?

13 MS. BORGONOVO: I think that's open and I
 14 think that it is a very sensitive issue. Gary Bobker is
 15 still here, I believe, and he was one of the chief
 16 negotiators in SB 900, but the concept of user fee was one
 17 of the things that the environmental community dropped
 18 because they knew that it was sensitive but I just wanted
 19 to reiterate that it's still something that we think is
 20 important. There have been a number of creative
 21 suggestions talked about. There have been suggestions in
 22 forums before like SB 1630 -- I mean, the draft 1630
 23 plan --

24 MS. McPEAK: Right.

25 MS. BORGONOVO: -- about assessing some

Page 197

Page 199

1 sort of fee. I just will give you my own personal
2 preference, not for any other organization.

3 I think that if it's really broader based so
4 that it includes everybody who benefits out of the of the
5 watershed, that that's a real help. And I don't know what
6 plan it will take. But, certainly, I think that these are
7 the kinds of issues that maybe you want to begin sending
8 out to the different groups and having them give feedback.

9 We are just beginning to address it in our
10 finance work group but in the discussions of SB 900 I
11 was -- both Sunne and I and Steve Hall were down south when
12 the discussion of SB 900 came up, and I think that it's
13 important to be honest when people talk to you about
14 SB 900, what it does do and what it doesn't do. It has
15 tremendous potential and one of the most -- one of its
16 greatest advantages was the way in which the three groups
17 really tried to work together so that they could see that
18 all of their needs were more or less protected, and I
19 certainly would hope that that would be the way that you
20 would address a user fee.

21 CHAIRMAN MADIGAN: All right.

22 Thank you all very much -- whoa, I'm sorry,
23 Roger.

24 MR. STRELOW: On policy issues, one thing
25 that it would be very helpful to see sometime before too

1 demands and projections of demands and supplies.

2 But we have not adopted as a goal of the Bay
3 Delta program that all of the State's future water supplies
4 will be met out of the of the Bay Delta system.

5 MR. STRELOW: I understand that, and I
6 didn't mean to imply otherwise but if we are currently,
7 what, about two-thirds, something like that, I mean, we are
8 a big factor, and so if what we are doing coupled with
9 other activities --

10 EXECUTIVE DIRECTOR SNOW: Right.

11 MR. STRELOW: -- and I guess they would
12 certainly have to be included in that, if the whole package
13 is somehow out of line, we ought to at least know that or
14 if we are in line, which I'd like to assume we are, it
15 would be comforting to know that.

16 CHAIRMAN MADIGAN: All right. Thank you.
17 Lester.

18 EXECUTIVE DIRECTOR SNOW: Okay. I want to
19 take just literally three minutes to cover an issue that
20 has been of some interest during our discussion today to
21 just remind you of the kind of the three parallel paths as
22 we move into Phase II.

23 One is the area that we've tended to focus on
24 and that is the NEPA/CEQA process, the documentation to
25 produce an EIR and an EIS in this process so we kind of

Page 198

Page 200

1 long would be to really get us more of a perspective, I
2 think, than least than I have on the supply side. I don't
3 mean that to the exclusion of other issues, but here we are
4 in a State where we are clearly constantly bumping up
5 against the limits of supply and we are growing. We are
6 probably going to grow faster in the near future than we
7 have in the last couple of years. We are very
8 appropriately taking an effort here to give much more
9 attention to the environment that has been slighted in the
10 past as we attempt to provide adequate supply but one thing
11 I don't have really the faintest sense of at this point is
12 how the measures -- the kinds of measures we are talking
13 about, including conservation, is an important element, but
14 including some additional storage and conveyance capacity,
15 coupled with, you know, devoting more water to
16 environmental purposes, how does that all relate to
17 reasonable projections of the demands that we are likely to
18 be facing five, ten, twenty years from now and are we
19 pretty much in phase with that or not?

20 I think it would be very instructive if we
21 could get some kind of briefing or information even sent
22 out that would kind of put us in perspective there. At
23 least more than I have. Maybe others have that.

24 EXECUTIVE DIRECTOR SNOW: I think that we
25 can provide an overview of the State's water resource

1 call that the alternative evaluation kind of legal
2 analysis.

3 Also, and this has been an important issue to
4 many of you, we will be continuing the component refinement
5 process to refine what we mean by water use efficiency,
6 refine the ecosystem program, all of those components that
7 we've had.

8 The other track has specifically come up today,
9 and that's the implementation strategy, which has two basic
10 components to it.

11 One is the financial strategy, what are the
12 financial alternatives we need to look at in order to be
13 able to say we know we can finance the preferred
14 alternative, and the other component of that is the
15 assurances and institutional guarantees.

16 And so those things all have to come along in
17 parallel so when we get to the end of Phase II we not only
18 have a preferred alternative that we are all comfortable
19 with and is legally defensible, we have refined the
20 components so it's easier to move into implementation. We
21 have a financing strategy and we have a proposal on how to
22 provide the assurances and institutional structures to move
23 forward.

24 Now, to make sure that we have the proper kinds
25 of input, we have defined, and you've seen this in another

Page 201

1 form before, of a very basic component refinement process,
2 where a product is generated by CalFed Agency staff in
3 collaboration particularly with the work groups.

4 That gets put into a forum where we will hold a
5 Public Workshop.

6 After the Public Workshop we take the issue and
7 comments to BDAC and combine the BDAC comments with the
8 other material and discuss with CalFed, clearly a feedback
9 group. We may not get it right the first time. So
10 conceptionally you can think of a draft ecosystem
11 restoration program developed again in collaboration with a
12 work group that's turned into a Workshop draft.

13 We hold a Workshop on it. We take the
14 comments, make modifications, talk to BDAC about it and
15 hopefully through CalFed end up with some final draft
16 component.

17 The same thing would happen with a finance
18 strategy, with the assurances strategy, so this is the
19 basic structure that we intend to use to make sure that the
20 public has input and BDAC has exposure as we refine these
21 components.

22 That will be going on throughout Phase II.

23 CHAIRMAN MADIGAN: Questions? Anybody.

24 Thank you, Lester.

25 Let's go on to the work groups then and see how

Page 202

1 things are going.

2 Eric?

3 MR. HASSELTINE: The finance committee is
4 alive and well and has met in both June and July since we
5 last met as a committee here.

6 We were following SB 900, of course, but not
7 only for the general interest that we all had in it but
8 also to be able to get more quantifiable information
9 relative to the amount of money that might be available for
10 certain of these -- for these actions.

11 And then as an adjunct to that we also asked a
12 gentleman named Rich Atwater to attend our last meeting
13 who, I can't give you exactly his title or who he works
14 for, but he's heavily involved in lobbying back in
15 Washington on the Federal matching funds and Federal monies
16 that would compliment the State monies.

17 CHAIRMAN MADIGAN: Jack, who did Rich go
18 to work for?

19 (Inaudible)

20 CHAIRMAN MADIGAN: And so he was at our
21 meeting yesterday and filled us in there.

22 The interesting part to that is there are
23 really two aspects to the Federal funding. One is that
24 there are existing Federal programs for which monies may
25 qualify and become available for matching funds or other

Page 203

1 funding for programs that are within our CalFed solution.

2 And then there is also the prospect of new
3 funding at some point.

4 With the long lead times that are involved in
5 that, though, it looks like that is something that we would
6 have to start fairly soon if we are able to count on it
7 later when we need it.

8 Secondly, we reviewed the paper on financing
9 options that was presented by the California round-table,
10 the Manufacturers Association, State Chamber of Commerce
11 and Farm Bureau and everybody here, I think, got copies of
12 that.

13 We were interested in a variety of their
14 recommendations, one of which was, of course, user fees
15 which has been discussed here today. But we are using that
16 as sort of a background. That's sort of a tool kit for
17 doing the job that we really have to do. It doesn't tell
18 us how to build anything and doesn't tell us how to really
19 use each of those in the most effective way to finance the
20 kinds of programs that we see coming out of this process.

21 Yesterday we had our first review of a case
22 study that I think I reported to you last time we had
23 decided as our way of proceeding as a finance working group
24 rather than keep going round and round the loop talking
25 about different ways of doing it, the way we felt we could

Page 204

1 learn the most and perhaps accomplish the most would be to
2 actually take a case study and try to work it through and
3 try to come to some conclusions as to how well we knew the
4 cost, how those costs would be allocated amongst various
5 parties benefiting from the overall program, and then how
6 each of those parties might, in fact, be able to finance
7 and meet the responsibilities that we would like to place
8 upon them.

9 We are just starting that now.

10 The alternative that was chosen was the dual
11 conveyance, which was alternative C back when we had the
12 ten alternatives.

13 That has now in effect moved into alternative
14 three on the three that we have now, although alternative
15 three contains some things that alternative C didn't, and
16 so we are going to adjust -- I guess, Zach's going to
17 adjust that, so that it's more closely correlated with
18 alternative three, but yesterday we reviewed some
19 preliminary just cost figures in terms of capital costs and
20 operating expenses associated with the system once it's in
21 place.

22 What the overall cash flow requirements might
23 be in terms of a debt service on the bonds and how much we
24 thought would be available for the public part of this,
25 which was primarily the ecosystem restoration.

Page 205

Page 207

1 And since -- in general I think we just looked
 2 at those in terms of orders of magnitude so there is
 3 nothing really specific available but we are just beginning
 4 to get our feet wet now on really how to assign these costs
 5 and no -- I think the numbers that were presented
 6 yesterday, what they told us, is that we have 80 percent
 7 confidence that they're within 35 percent of the real
 8 number. So we are not too precise yet.
 9 Anyway, but we are working at it.
 10 But we do have some basic things.
 11 Zach, do you have some overheads?
 12 MR. MCREYNOLDS: Yeah.
 13 Do you want me to run through them?
 14 MR. HASSELTINE: Yeah, do you want to talk
 15 about that?
 16 Good. I'll turn this over to Zach McReynolds
 17 who is our staff member working on the finance.
 18 MR. MCREYNOLDS: And the figure that you
 19 forgot to include with that, 80 percent, 35 percent was the
 20 credibility of the person who said that, which is -- those
 21 are the percentages that you can multiply that by.
 22 We are going to use this kind of an example
 23 that we started with yesterday to step through a number of
 24 basic questions about the plan of finance in the next few
 25 months and as we go in the next few months within the

Page 206

1 working group and as the working group reports its findings
 2 and things back to the larger BDAC you should expect to be
 3 answering these questions with increasing clarity.
 4 The first sets of answers will -- you're all
 5 used to this -- the first sets of answers will be more
 6 general and then as we move through this we'll get more and
 7 more specific about what we are talking about.
 8 But the general six topics we are going to run
 9 through are who will be paying for the solution? What
 10 types of costs are we talking about? When will the
 11 payments be made? How will the payments be made in other
 12 words, what types of revenue tools will we use.
 13 How are the costs going to be allocated among
 14 the people who will pay?
 15 And then what's the implementation structure
 16 going to be?
 17 And that question was discussed a lot earlier
 18 in terms of assurances and things like that.
 19 The general sense being that if we as a group
 20 can understand the answers to these six questions at a
 21 sufficient level of detail, then we will have a general
 22 confidence that there is a workable plan of finance behind
 23 the solution.
 24 And by the time we get through with Phase II
 25 that's where we want to be.

1 We want to have the group as a whole. We won't
 2 have every I dotted and every T crossed but the group as a
 3 whole needs to be comfortable that we figured out how this
 4 solution will be implemented from a financial prospective.
 5 CHAIRMAN MADIGAN: Thank you, Eric.
 6 Questions?
 7 Mary.
 8 Questions?
 9 (No response)
 10 CHAIRMAN MADIGAN: Mary, you are up.
 11 MS. SELKIRK: Yes.
 12 The ecosystem restoration work group met on
 13 June 26th. We have another meeting scheduled for the
 14 middle of next week.
 15 The central items discussed at our prior
 16 meeting were four. First, a review of the aspects of the
 17 proposed ecosystem outline, the restoration program
 18 strategy that's been developed by the CalFed staff.
 19 I would say by and large that there has been
 20 general consensus on the vision mission ecosystem quality
 21 objectives and program strategy sections of the plan with
 22 some concern expressed by some members of the work group
 23 with regard to -- germane to our earlier discussions today
 24 how we define the benefit of agricultural activities in the
 25 Delta, that there needs to be some language in the overall

Page 208

1 ecosystem restoration strategy that reflects environmental
 2 benefits of certain types of agricultural activities in the
 3 Delta.
 4 The major portion of the discussion at the
 5 prior meeting which will continue next week is that we are
 6 now at a point where the CalFed staff is seeking input on
 7 how to quantify the ecosystem vision.
 8 There was a discussion, a lively discussion, of
 9 three proposed approaches to how you define a healthy
 10 ecosystem.
 11 I don't want to go into a whole lot of detail.
 12 But basically, there were three proposals, one
 13 for setting a level of health at some quote unquote
 14 pre-disturbance condition.
 15 The second was a more adaptive management based
 16 reference condition approach, which would involve setting
 17 what one fishery biologist called diagnostic goals and
 18 prescriptive actions, which would support restoration using
 19 adaptive management techniques.
 20 The third is to set a level of restoration at
 21 some period in recent Delta history.
 22 There were some comments at this meeting
 23 suggesting that it would -- it might be helpful for us to
 24 look specifically at what has happened in the last third of
 25 the century that has caused the decline, major decline of

Page 209

Page 211

1 fisheries since 1960 or so.

2 And then the fourth area of discussion was just
3 along with adaptive management was the beginning of a
4 conversation about what kinds of programmatic structures
5 are necessary for -- to underpin the restoration program.

6 I have to say, however, I think that at this
7 point in time we are -- I'm sure Bob Raab would agree -- in
8 what I would call the groan zone as far as just an enormous
9 amount of important opinions, different perspectives,
10 different ideas about how -- what's the most effective and
11 supportable ecosystem restoration program, not to say that
12 by any stretch that administrative and institutional
13 guarantees are premature but I think we are getting to a
14 point -- I don't think we are there yet -- but I think
15 through -- in the beginning stages of Phase II we will be
16 beginning to have discussion of what kinds of programmatic
17 structures are required to implement a particular kind of
18 adaptive management strategy and I think that will be on
19 our Agenda over the next few months.

20 The CalFed staff has continued to refine a set
21 of fairly discreet actions for all areas of the watershed
22 in the Delta that Dick identified earlier, and they
23 continue to take input from this work group. Now, the work
24 group itself is composed of about five people from the BDAC
25 and invited participants.

Page 210

1 There is also a lot of very active involvement
2 from members of the public, some of whom of very strong
3 opinions and different perspectives on the whole ecosystem
4 approach, all of which we've made a very strong effort to
5 incorporate into our deliberations so . . .

6 CHAIRMAN MADIGAN: Thank you.

7 Questions?

8 (No response)

9 Thanks, Mary.

10 Judith.

11 MS. REDMOND: Okay. Our group met on June
12 27th and there was a lot of preliminary discussion that is
13 covered in the notes and has also come up today regarding
14 sort of the purview of our group, whether, you know, the
15 issue of land retirement and other issues, whether or not
16 they should be included in the discussion, and I think
17 since that's been -- it's really come up a lot today
18 already. I'm not going to go into it right now.

19 But the bulk of our discussion was focused on
20 best management practices in urban areas and we started
21 with a presentation about the Urban Water Conservation
22 Council.

23 The Urban Water Conservation Council runs a
24 voluntary program that is meant to support implementation
25 of urban BMP's and members are urban water agencies and

1 environmental and community groups. Dues are voluntary and
2 the discussion centered around the strengths and weaknesses
3 of this approach in encouraging water conservation.

4 The weaknesses that were identified were that,
5 in fact, although there is enthusiasm in many urban areas
6 for conservation programs it can change when the weather
7 changes and the compliance with BMP's is spotty. It was
8 also pointed out that the group really -- because it's a
9 group primarily of water agencies it's difficult for them
10 to do a good evaluation of compliance or regulation of
11 themselves, self-regulation, self-evaluation was admitted
12 in a forthright way as not fully effective using this
13 approach.

14 The strengths of the approach were that the
15 collaboration between urban water districts and
16 environmental community groups had been very, very strong.
17 In fact, it was reported that the best implementation took
18 place when community groups were sort of in the driver's
19 seat running the conservation programs in their
20 communities. So this collaboration between community
21 groups and the water districts was seen as very, very
22 healthy. The Urban Water Conservation Council was also
23 reported as doing an lot of very useful research into best
24 management practices and being able and capable of updating
25 those BMP's to reflect advances in technology, et cetera.

Page 212

1 So that there is sort of a flexible framework within which
2 they work for implementation of the BMP's.

3 And that framework not only can improve as
4 technology improves but also can provide for local
5 differences, and that was considered to be very important.

6 So a number of recommendations came out of the
7 meeting. I don't think they were -- any of them fully
8 flushed out but there were -- you know, there was some
9 discussion about all of these and I think that there was
10 some agreement on all of them.

11 First of all, that the Urban Water Conservation
12 Council should continue as a partner in implementation and
13 enforcement of urban BMP's and, in fact, in order to do
14 that it would need more resources.

15 Secondly, there was a lot of discussion about
16 approach and the recommended approach was that -- although
17 several approaches were suggested, it really seemed that
18 there was agreement that there should be a combination of
19 incentives for these sort of locally flexible conservation
20 programs but combined with regulatory sanctions that would
21 assure some floor level of compliance. The suggestion was
22 that the -- there be a link between whether or not
23 compliance was occurring and some sort of benefit of
24 CalFed.

25 For example, could you have water transfers or

Page 213

1 could you get Federal loans, those kinds of things.
2 If enforcement of BMP's was not occurring there
3 should be some sanctions, was kind of the approach that was
4 discussed.

5 Other ideas were discussed as well, like
6 conservation pricing, user fees. The proposal was made,
7 not really discussed, that community groups and
8 environmental groups might need to play a stronger watchdog
9 role in order to enforce the BMP's, a better landscaping
10 BMP was discussed, and I think one of the useful
11 discussions was that if this kind of a program is going to
12 continue it's going to have to have a very strong component
13 of education.

14 We discussed a lot the fact that these -- the
15 conservation ethic really relies on people understanding
16 the benefits, its benefits, and it was pointed out by a lot
17 of people there who have a lot of experience with this it's
18 not just sort of general public education, it's education
19 of the leaders of urban water districts. In fact, it
20 seemed like a lot of the small urban water districts might
21 not always understand that there would be benefits to them
22 from investing in water conservation programs.

23 Finally, I think that there was a sense that it
24 would be important if there was a bond measure before the
25 public, for example, that there be an assurance to the

Page 214

1 public. We've been talking a lot about assurances but that
2 one form of assurance to the public would be that we were
3 trying to capture all possible efficiencies in different
4 areas and that an assurance that any possible efficiencies
5 in urban areas were being looked at.

6 It was felt that a program to educate the
7 public about them and to assure the public that this was
8 taking place would be very helpful.

9 Our next meeting is Thursday, August 1st, at
10 nine o'clock.

11 CHAIRMAN MADIGAN: Okay. Thank you. Good
12 job, all.

13 Questions? Yes, sir?

14 MR. PYLE: Any questions for members of
15 the --

16 CHAIRMAN MADIGAN: Sure, brief once, of
17 course.

18 MR. PYLE: Brief, quick questions, as we
19 say.

20 Judith, have you discussed the relationship
21 between a water conservation method taking place by a local
22 district and its relationship to a Delta water savings?

23 For instance, I know if in my district and my
24 Agency were to spend a hundred thousand dollars and saved a
25 thousand acre feet they would assume that they saved that

Page 215

1 out of their local supply not out of the Delta supply.

2 How do you account for water saving efforts in
3 a local service area having a relationship to the Agency's
4 need for water from the Delta?

5 MS. REDMOND: well, I don't think we
6 directly talked about that relationship, to be honest.

7 MR. PYLE: I'm just bringing that up.
8 Maybe you ought to talk about it.

9 MS. REDMOND: I think -- well, and we were
10 talking about urban water conservation and I think the idea
11 was that if there is water conservation in an area, at
12 least that frees up water for -- it can free up water for
13 other uses or for a specific -- it can make a system more
14 flexible, and I think the other idea that relates to that
15 was that there does seem to be agreement among the water
16 agencies that have signed the urban BMP's, that there are
17 significant savings that can be realized from water
18 conservation efforts in urban areas and that that ethic,
19 that idea that water is a resource and that we should use
20 it carefully, seem to be agreed upon by the people that
21 were presenting for the urban water agencies.

22 CHAIRMAN MADIGAN: All right. Thank you.

23 The fourth of our work groups is the assurances
24 work group, which is being Chaired by Hap Dunning and Mary
25 Scoonover are going to be the staff support to it. They

Page 216

1 will have their meeting on the 15th of August in Sacramento
2 from ten to noon in room 1142 of the resources building so
3 you are all on notice of that.

4 Water quality technical issue.

5 Mr. Snow.

6 EXECUTIVE DIRECTOR SNOW: I will be very
7 brief and just report that Steve Yaeger has formed several
8 technical sub-work groups to deal with the overall water
9 quality issue including an environmental water quality
10 group, an agricultural water quality group and then
11 continuing work with the stakeholders urban quality group
12 and intends to work through those issues so that we are
13 getting all of the water quality issues addressed by
14 technical groups and if you have any questions about that,
15 I'm sure Steve will be glad to answer them.

16 CHAIRMAN MADIGAN: Other key issues that
17 you are aware of? I am aware none.

18 EXECUTIVE DIRECTOR SNOW: I am aware none.

19 CHAIRMAN MADIGAN: Before we go on to
20 public comment, it's worth observing that I have been
21 informed that today is Jack Foley's birthday.

22 JACK FOLEY: Can I leave for my party now?

23 CHAIRMAN MADIGAN: Yes, you can. Thank
24 you, Jack.

25 Happy Birthday.

Page 217

1 MR. FOLEY: Thank you.
2 He's on his way out.
3 CHAIRMAN MADIGAN: All right. Public
4 comments.
5 I don't have any other indications up here nor
6 does Sunne of people who wish to be heard other than those
7 who have already signed up and who have spoken.
8 Is there anybody in the audience who wishes to
9 be heard?
10 Seeing no such requests, you guys have been
11 troopers. This has been a very good day. Thank you so
12 much. We are adjourned.

13
14 (Whereupon the BDAC Meeting recessed at four o'clock p.m.)

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Page 218

1 STATE OF CALIFORNIA }
2 COUNTY OF SAN JOAQUIN } ss.
3 I, SUSAN PORTALE, Certified Shorthand
4 Reporter of the State of California, do hereby certify:
5 That on the 19th day of July, 1996, at
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8 transcribed my shorthand notes of such Bay-Delta Advisory
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10 and foregoing being a full, true and correct transcription
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'92 [1]	122:21	29th [3]	6:22	16:9	accept [3]	88:17	85:21	105:17	118:14	administers [1]	169:13
'94 [1]	113:3	87:10			88:23	89:8	119:8	119:12	119:21	administration [1]	
'98 [1]	67:8	3 [1]	12:18		acceptable [1]	124:21	120:2	122:5	122:7	127:19	
-by [1]	218:21	3,000 [2]		54:21	accommodate [1]		134:20	151:22	156:21	administrative [4]	
02 [1]	126:15	65:1			60:13		156:22	157:20	157:22	168:17	169:8
06 [3]	1:14	4:2			accomplish [8]	116:19	158:2	162:22	164:4	209:12	
1 [14]	9:24	10:20			118:15	119:5	202:10	208:18	209:21	admire [1]	116:4
11:6	12:12	12:23			156:6	170:15				admitted [1]	211:11
15:19	16:19	48:2			204:1					adopted [1]	199:2
81:3	81:8	90:11			accomplishment [1]					adopting [1]	122:6
126:15	126:16	140:18			157:15					Adrienne [2]	122:14
1,000 [1]	94:19				Accord [2]	113:3				122:14	
1-800-A-SOIL [1]					113:8					advanced [1]	121:1
115:13					according [2]	59:15				advances [1]	211:25
10 [3]	1:14	4:2			59:16					advantage [2]	68:5
218:6					account [4]	112:2				136:19	
10,000 [1]	65:7				112:3	151:20				advantages [2]	195:3
100 [1]	13:3				168:11					197:16	
1142 [1]	216:2				accountability [1]					adverse [3]	97:19
1300 [1]	173:4				168:11					97:20	97:22
13th [1]	1:11				accredited [1]	178:8				advertising [1]	130:12
14 [2]	158:11	158:12			accumulated [2]					advice [13]	11:3
15 [1]	110:10				32:13	45:22				36:11	58:10
15,000 [11]	23:13				accuracy [3]	40:25				68:15	69:25
23:17	24:12	53:24			42:7	42:19				70:17	70:20
65:7	65:18	68:1			accure [2]	86:24				135:19	151:9
68:2	68:7	68:9			153:16					194:19	
178:18					accurately [1]	43:22				advisors [1]	6:21
15th [2]	113:3	216:1			achieve [8]	13:24				advisory [8]	1:4
16 [1]	187:6				26:2	82:14				4:8	71:5
1630 [2]	196:22	196:22			120:5	159:2				105:13	164:16
1700 [1]	172:23				161:24					218:8	
18 [2]	130:16	187:6			achieved [2]	139:14				affect [8]	39:24
19 [1]	1:14				139:18					95:3	145:9
1920's [1]	191:2				achievement [2]					145:12	145:13
1930's [1]	191:2				72:9	89:1				191:14	185:3
1960 [1]	209:1				achieving [1]	14:4				affected [2]	152:8
1987 [1]	122:21				acknowledge [2]					176:17	
1995 [3]	172:24	173:5			70:19	146:14				affecting [1]	192:6
182:24					acknowledged [1]					affects [5]	97:15
1996 [3]	1:14	4:9			145:20					97:16	175:14
218:5					acquiescence [1]					195:10	192:24
19th [3]	4:9	114:18			58:5					afford [2]	39:24
218:5					acquire [2]	94:24				111:10	
1st [1]	214:9				95:7					affordability [1]	
2,000 [2]	64:17				acquired [1]	77:3				157:7	
177:7					acquiring [3]	94:18				afternoon [2]	86:3
20 [7]	13:5	13:7			146:17	146:18				123:21	
27:13	73:4	103:11			acquisition [1]	146:13				ag [17]	28:7
177:22	177:24				acre [8]	24:11				90:22	91:9
20,000 [1]	178:6				65:16	84:8				95:18	96:25
204 [1]	1:11				178:6	181:22				102:3	111:9
209 [2]	1:25	218:23			acreage [2]	30:18				124:6	126:2
20th [1]	6:3				143:17					131:21	149:21
211 [2]	1:24	218:22			acres [1]	36:7				156:6	
21st [2]	6:4	117:3			act [7]	45:19				again [46]	4:18
24 [1]	183:16				97:7	113:2				5:19	6:8
244 [1]	177:15				152:12	152:12				12:6	12:20
250,000 [1]	181:22				action [6]	57:24				19:18	19:21
26th [1]	207:13				57:25	115:13				20:8	22:1
27th [1]	210:12				143:17	169:6				23:16	23:18
28th [1]	180:20				actions [37]	12:21				23:22	28:21
					13:3	14:24				41:21	42:22
					27:16	27:19				51:5	52:4
					28:1	28:6				56:22	58:24
					31:23	47:16				59:12	60:1
					67:8	82:25				71:22	100:20
										119:10	121:17
										145:25	150:19
										170:14	174:19
										184:8	

185:18 186:8 201:11	100:21 102:9 107:21	91:9 110:15 112:11	analyses [1] 53:16	55:8 58:1 100:12
against [2] 130:2	107:24 108:3 111:1	112:12 140:7 147:4	analysis [22] 13:14	121:25 127:5 133:2
198:5	112:25 113:18 115:6	185:3 200:1 200:14	23:17 24:8 48:8	135:16 152:9 161:3
agencies [28] 2:8	115:16 115:22 116:25	200:18 204:10 204:11	50:21 53:18 54:4	186:9 208:16 210:4
34:20 38:3 38:20	117:8 117:21 144:7	204:13 204:14 204:15	74:7 74:17 74:22	211:3 211:13 211:14
38:25 41:17 41:24	150:2 150:5 150:15	204:18	80:14 80:23 85:1	212:16 212:16 213:3
52:8 52:8 55:5	150:16 190:22 191:10	alternatives [92]	85:11 85:16 110:12	approaches [6] 21:24
62:23 71:7 71:15	191:12 191:12 191:13	12:13 12:22 12:24	137:11 155:7 158:25	23:4 99:5 161:7
93:21 115:19 133:11	agriculture's [1]	13:4 13:6 13:11	159:7 171:15 200:2	208:9 212:17
152:5 160:12 163:6	108:6	13:15 14:1 14:2	analytical [1] 86:9	approaching [2]
165:22 166:3 169:9	ahead [16] 4:7	14:9 14:11 15:4	analyze [5] 19:14	10:20 11:23
183:19 188:23 210:25	15:17 72:12 75:8	15:9 15:19 16:18	59:3 74:8 88:20	appropriate [23]
211:9 215:16 215:21	76:21 102:18 102:20	16:20 17:10 17:18	111:5	5:17 29:15 39:10
agency [20] 2:11	114:1 114:9 125:4	18:21 18:23 26:1	analyzed [4] 47:6	59:5 59:8 68:1
3:11 3:12 3:15	136:6 138:15 178:13	26:4 26:15 26:18	76:19 81:22 154:20	70:21 76:14 78:15
38:6 38:13 51:24	179:9 186:10 187:8	26:24 27:13 27:14	analyzing [1] 84:15	79:9 99:15 99:16
52:4 54:3 54:4	air [4] 99:13 101:11	35:13 36:6 42:24	Angeles [2] 177:14	114:5 137:8 141:18
118:4 135:6 151:22	160:21 192:15	46:11 47:11 47:13	193:17	142:3 142:6 144:6
151:25 169:11 169:13	airing [1] 101:6	47:17 50:4 51:16	Ann [4] 3:9 151:12	145:2 150:18 155:12
181:22 186:15 201:2	akin [1] 38:1	52:1 52:14 54:5	153:22 189:8	166:17 171:18
214:24	Alex [25] 2:11	56:19 56:23 57:2	announced [1] 161:4	appropriately [4]
agency's [2] 39:4	25:8 45:5 46:14	57:11 65:21 66:6	answer [10] 37:21	6:12 142:25 167:6
215:3	58:17 61:1 61:24	66:8 67:5 67:7	62:6 64:3 91:3	198:8
Agenda [2] 6:18	66:23 75:8 79:20	71:23 72:11 72:23	110:3 113:10 121:2	approval [2] 78:17
209:19	79:25 80:4 85:11	72:25 73:8 73:14	136:24 194:7 216:15	168:24
aggressive [2] 39:2	88:18 94:3 96:14	74:20 75:17 78:17	answered [1] 64:13	approved [2] 128:16
165:4	97:4 116:18 116:25	78:21 82:22 82:25	answering [3] 154:17	168:24
ago [7] 17:23 51:8	139:9 140:12 155:9	83:18 88:13 88:25	165:19 206:3	approximates [2]
156:13 159:14 173:21	160:15 162:1 178:25	89:9 94:18 103:13	answers [4] 65:4	7:1 184:8
174:15 182:6	Alex's [4] 46:5	105:7 106:14 106:21	206:4 206:5 206:20	Aqua [1] 131:21
agree [16] 42:3	80:21 98:7 103:4	107:1 108:1 110:13	anti [2] 90:22 96:2	aquatic [1] 182:25
42:18 69:19 71:3	alive [1] 202:4	111:25 119:10 119:16	anti-ag [11] 58:14	aqueduct [1] 53:7
81:1 88:13 108:2	Alliance [3] 2:15	120:13 124:5 124:25	96:23 98:19 98:20	aqueducts [1] 60:8
111:3 112:17 118:14	2:22 122:17	125:3 125:4 137:2	101:11 101:17 101:18	aquifer [2] 172:10
121:22 124:6 136:9	allocate [2] 120:17	137:11 137:15 138:7	108:1 111:4 111:9	172:23
139:21 152:5 209:7	120:20	142:23 145:8 177:8	124:7	area [37] 2:5 14:14
agreeable [2] 6:11	allocated [3] 25:6	184:24 185:6 189:15	anti-agriculture [1]	20:16 20:19 20:20
155:23	204:4 206:13	200:12 204:12	96:16	28:4 30:16 30:24
agreed [6] 40:22	allocation [2] 122:1	Alvord [3] 122:13	anti-agriculture [1]	38:15 49:24 50:11
57:5 57:8 79:10	161:14	122:14 122:15	95:14	50:25 65:8 89:5
130:20 215:20	allocations [1] 122:6	always [8] 5:14	anticipate [2] 141:22	91:11 106:2 106:17
agreeing [1] 155:11	allowing [1] 187:19	7:1 7:2 61:11	163:13	107:15 108:11 111:8
agreement [13] 87:19	allows [1] 44:10	96:24 101:18 115:9	anyhow [2] 172:4	172:6 172:14 172:15
95:22 108:19 118:23	almost [5] 100:11	213:21	193:16	172:17 173:10 177:14
119:3 128:15 141:24	127:16 171:15 187:24	ambiguity [1] 58:3	anyway [9] 17:6	177:15 186:24 187:17
147:6 147:17 152:7	189:3	ambitious [4] 85:14	65:23 99:3 107:16	193:17 193:19 193:24
212:10 212:18 215:15	alone [2] 69:7	85:24 141:20 149:12	115:20 116:4 135:11	194:12 199:23 209:2
agreements [1] 29:4	76:17	ambitiously [1] 161:24	186:16 205:9	215:3 215:11
agrees [2] 157:22	along [23] 57:23	amen [1] 171:2	apples [1] 191:20	arcas [39] 12:8
162:6	67:3 67:24 78:25	amended [1] 151:3	applicability [1]	25:17 27:15 30:14
agricultural [30]	84:5 84:10 85:19	amendment [2] 179:17	49:6	30:19 33:13 47:1
9:10 28:5 35:3	93:12 97:18 98:5	179:21	applicable [1] 170:13	49:17 49:23 51:16
36:18 76:23 77:25	100:3 105:12 105:21	America [1] 183:1	application [1] 171:13	58:23 70:14 78:9
90:3 94:10 95:17	124:14 132:16 156:25	American [1] 115:9	applied [2] 51:15	86:14 96:6 111:7
96:4 96:10 97:17	157:12 160:22 164:20	among [10] 71:21	124:18	143:7 148:2 150:1
100:23 101:1 107:22	168:23 178:12 200:16	92:21 122:23 129:16	apply [2] 36:24	150:1 150:12 150:14
108:10 124:3 127:21	209:3	147:6 147:17 156:23	49:23	158:11 161:22 164:13
129:12 137:21 150:4	altered [1] 63:21	192:17 206:13 215:15	applying [1] 157:9	175:20 177:12 177:13
150:4 163:5 181:23	alternative [47] 13:19	amongst [2] 101:3	appreciate [8] 7:17	178:12 184:18 184:25
185:16 192:7 192:24	15:11 19:1 19:1	204:4	101:6 107:19 112:21	185:8 194:9 209:21
207:24 208:2 216:10	19:17 19:21 19:24	amortize [1] 55:23	114:10 120:24 131:18	210:20 211:5 214:4
agriculturalists [1]	19:25 21:9 21:9	amount [13] 4:23	171:21	214:5 215:18
101:4	21:23 22:7 23:5	5:24 30:24 54:25	appreciated [1] 69:13	argue [1] 90:11
agriculture [43] 77:22	23:10 37:10 37:14	55:1 72:6 100:5	approach [28] 11:9	argument [4] 92:25
90:6 94:6 94:8	37:15 37:18 48:4	124:15 129:4 154:21	12:3 13:2 14:4	93:1 129:21 132:15
94:15 94:22 94:24	50:1 50:6 50:24	159:23 202:9 209:9	17:2 34:14 37:22	arguments [3] 130:7
95:7 95:9 96:4	51:4 53:1 61:3	amounts [3] 32:14	38:17 43:25 55:6	130:10 134:22
97:10 97:19 97:21	66:10 66:12 66:15	anagamous [1] 183:20		arise [1] 132:10
97:22 99:16 99:21	73:17 74:21 76:15			Army [2] 190:15
100:4 100:13 100:18				

BDAC MEETING

CondenseIt™

Arnold - bonding

190:20	163:21 165:2 165:12	203:16	78:24 79:6 81:15	69:25 74:2 75:14
Arnold [2] 181:19	167:8 179:24 200:15	backtrack [1] 11:7	81:21 85:18 86:12	79:7 79:18 113:10
181:19	200:22 201:18 206:18	backwards [1] 90:7	95:16 102:10 102:14	117:14 124:20 140:2
arrangement [1]	214:1 215:23	backwater [1] 148:18	102:22 112:10 117:7	144:16 145:24 159:8
166:14	assure [7] 67:7	bad [1] 172:12	118:7 119:19 136:22	167:23 168:4 193:21
arrangements [1]	90:14 163:19 179:17	badly [1] 176:13	137:7 138:5 138:21	213:9
95:21	179:22 212:21 214:7	balance [5] 26:1	148:9 151:9 163:25	between [24] 17:24
array [1] 75:18	assured [4] 82:2	78:8 115:10 124:17	179:7 183:24 194:19	31:1 37:14 43:15
arrive [1] 137:17	108:8 134:5 179:13	137:7	194:22 201:7 201:7	45:7 54:11 55:5
articulated [3] 46:15	assuring [2] 61:14	balanced [3] 164:16	201:14 201:20 206:2	63:12 102:9 103:1
145:24 151:25	109:5	170:17 170:22	209:24 217:14	120:18 124:11 125:23
asks [1] 95:14	attached [1] 30:11	balances [1] 192:5	BDAC's [1] 82:2	144:12 149:6 163:22
aspect [4] 119:11	attack [1] 109:12	ballgame [1] 107:14	BDOC [2] 116:23	173:2 173:22 180:24
120:21 165:3 181:4	attain [1] 173:7	ballot [11] 72:3	182:20	180:24 211:15 211:20
aspects [4] 20:22	attempt [1] 198:10	72:5 129:20 129:24	bear [2] 142:6 142:9	212:22 214:21
131:11 202:23 207:16	attend [3] 188:17	130:4 130:6 130:10	bears [1] 98:22	Beveridge [1] 2:17
aspirations [2] 7:6	189:4 202:12	132:10 132:15 132:21	beat [2] 145:24 145:25	beyond [5] 38:20
68:24	attendance [1] 4:6	133:12	beavers [2] 190:12	103:11 140:14 163:25
Assembly [3] 8:15	attention [10] 9:4	banking [1] 19:7	190:13	179:3
127:6 127:16	23:7 35:6 46:1	Banos [1] 174:16	become [3] 14:24	big [10] 4:7 89:3
assess [4] 34:24	71:14 161:9 183:7	base [1] 80:11	166:15 202:25	89:21 125:24 133:7
123:7 157:9 194:14	184:19 185:14 198:9	based [18] 12:3	becomes [2] 157:16	146:2 149:23 164:18
assessed [2] 77:1	attitude [1] 94:8	15:10 15:11 19:2	163:14	175:24 199:8
138:1	attributed [1] 127:25	20:1 29:23 106:1	becoming [1] 99:17	bigger [1] 149:12
assessing [1] 196:25	Atwater [2] 135:5	108:15 120:1 127:3	bed [1] 32:1	Bill [4] 175:5 180:17
assessment [2] 81:7	202:12	130:2 146:21 156:2	began [2] 103:13	180:17 182:10
136:22	audience [8] 4:13	175:7 189:1 195:9	128:4	billion [1] 159:4
assessments [10]	69:12 122:12 164:10	197:3 208:15	begin [10] 65:21	biological [3] 108:17
76:12 76:19 81:3	171:17 175:3 189:23	baseline [1] 151:20	112:4 113:12 145:7	182:7 182:7
81:7 81:16 82:2	August [2] 214:9	bashed [1] 95:10	149:12 149:14 150:3	biologist [1] 208:17
82:3 82:5 140:16	216:1	bashing [1] 94:6	150:5 195:18 197:7	biota [1] 183:14
155:13	Authority/Arvin [1] 3:13	basic [24] 8:3	beginning [9] 12:4	birthday [2] 216:21
assign [2] 165:9	3:13	10:23 11:20 11:22	43:10 128:11 174:21	216:25
205:4	authorization [1] 168:25	16:22 18:15 18:20	197:9 205:3 209:3	bit [8] 11:7 16:6
assigned [1] 165:2	autograph [1] 10:4	18:23 22:4 23:20	209:15 209:16	56:13 139:19 164:9
associated [6] 50:2	automatically [1] 169:11	23:22 72:16 73:3	behind [3] 117:5	190:2 190:2 191:10
64:4 138:1 146:23	available [17] 4:17	74:18 79:8 80:13	170:24 206:22	bite [1] 191:24
148:19 204:20	31:10 34:23 34:25	84:23 85:12 158:10	behooves [1] 103:11	blanket [1] 98:13
ASSOCIATES [2]	35:12 35:15 38:7	200:9 201:1 201:19	belabor [1] 124:23	bleeding [1] 172:10
1:23 218:22	38:10 38:11 143:22	205:10 205:24	below [3] 31:21	blemishes [2] 191:23
Association [8] 2:7	166:11 177:10 183:23	basin [6] 45:13	32:11 45:17	192:3
2:13 2:25 3:3	202:9 202:25 204:24	123:15 123:16 176:12	BELZA [2] 3:3	blinkers [1] 144:8
115:18 115:18 121:5	205:3	176:14 176:18	101:14	BMP [1] 213:10
203:10	Avenue [3] 1:24	basins [3] 176:13	Ben [1] 139:11	BMP's [9] 38:1
assume [4] 24:14	173:3 218:22	176:17 177:8	bend [2] 55:18 55:19	210:25 211:7 211:25
24:15 199:14 214:25	average [2] 129:23	basis [3] 14:11 25:15	beneficial [4] 8:9	212:2 212:13 213:2
assumed [4] 45:8	183:15	152:7	9:12 49:20 97:21	213:9 215:16
77:24 104:6 163:24	avoid [1] 64:8	Bay [31] 2:5 2:13	benefit [7] 49:23	board [4] 53:16
assuming [2] 167:10	awards [1] 179:18	3:4 4:8 30:16	120:4 168:2 173:19	128:6 129:13 182:14
169:11	aware [7] 7:14	30:17 30:19 50:10	193:21 207:24 212:23	Boards [1] 28:2
assumption [5] 18:1	82:1 141:1 196:8	77:9 86:5 98:14	benefiting [1] 204:5	Bob [11] 2:13 61:23
18:11 18:15 144:20	216:17 216:17 216:18	106:2 106:17 106:22	benefits [16] 31:7	66:23 104:18 105:24
167:18	awareness [2] 106:12	106:22 107:15 108:11	53:13 53:17 53:20	108:10 171:1 186:22
assumptions [2]	107:7	117:16 141:9 159:22	53:23 120:1 142:11	187:3 188:14 209:7
17:19 18:20	away [8] 32:10 73:8	177:14 177:15 178:9	144:24 173:16 174:9	Bobker [8] 82:15
assurance [10] 37:23	93:1 94:23 114:3	182:8 182:22 186:24	179:23 197:4 208:2	133:20 136:7 141:3
75:22 108:15 108:20	114:15 183:11 184:2	187:17 194:12 194:15	213:16 213:16 213:21	141:6 141:9 155:19
110:9 179:7 179:12	awful [2] 33:1	199:2 199:4	best [12] 6:9 48:21	196:14
213:25 214:2 214:4	167:21	Bay-Delta [6] 1:4	59:9 75:16 86:16	bode [1] 134:14
assurances [33] 16:2	babbling [1] 191:4	10:16 116:22 143:15	103:23 146:21 163:19	body [3] 67:15 133:13
38:18 50:23 51:1	backdrop [2] 20:25	218:7 218:8	166:20 210:20 211:17	162:6
55:21 76:3 101:17	23:22	BDAC [51] 4:14	211:23	bog [1] 164:8
108:4 108:11 108:13	background [2] 100:25	4:15 4:18 4:25	Betsy [4] 131:20	Bois [2] 180:17 180:17
109:3 109:13 110:7		5:13 6:2 6:8	131:25 134:3 134:9	bond [5] 127:7 129:7
110:8 110:18 110:19		11:2 13:10 13:17	better [23] 9:6	130:3 130:6 213:24
111:24 112:8 112:18		16:8 35:22 36:12	9:17 12:9 15:24	bonding [1] 130:19
114:2 138:6 138:9		48:20 56:20 56:22	41:20 44:21 50:12	
		57:9 69:21 78:16		

bonds [3] 195:25 196:3 204:23	brown [2] 96:8 181:7	2:20 3:3 3:12 100:1 104:13 106:20 118:4 121:5 127:20 132:4 134:18 152:19 176:22 180:18 181:15 187:2 187:3 187:7 187:15 189:3 194:11 203:9 218:1 218:4 218:17 218:23	casualties [1] 44:25 catastrophic [1] 149:16 catching [1] 174:15 categories [4] 140:6 156:21 156:23 157:15 category [2] 163:3 168:4 caucus [3] 134:5 147:22 150:22 caused [1] 208:25 causes [3] 42:11 45:25 125:24 caution [1] 152:17 cautionary [1] 141:24 cautious [1] 85:17 caveat [2] 89:9 153:24 caveats [1] 154:19 Center [1] 1:11 centered [1] 211:2 central [9] 22:25 65:20 67:15 152:11 172:17 173:8 173:9 185:10 207:15 century [1] 208:25 CEQA [1] 81:12 CEQA/NEPA [2] 53:9 67:1 ceremony [2] 131:12 133:24 certain [17] 24:4 24:6 26:12 41:3 54:25 54:25 65:5 68:6 81:16 84:18 134:8 150:5 159:2 160:12 182:14 202:10 208:2 certainly [33] 4:17 4:21 7:3 29:20 35:5 36:4 36:4 39:1 50:20 66:2 69:22 70:23 78:15 93:7 103:17 108:12 108:23 118:21 121:16 121:23 125:9 144:4 147:15 149:25 151:23 162:22 178:23 179:9 181:3 183:24 197:6 197:19 199:12 certainty [2] 89:14 142:11 certified [3] 15:20 218:3 218:16 certify [1] 218:4 cetera [3] 79:5 121:7 211:25 CFS [19] 23:13 23:13 23:17 25:15 53:4 53:25 58:18 59:1 59:14 60:15 60:20 64:17 65:6 65:14 65:16 65:17 65:18 68:7 68:9 Chair [7] 7:24 57:21 87:15 108:24 110:4 151:8 186:3	Chaired [1] 215:24 Chairman [163] 2:2 4:4 7:16 7:20 10:4 10:12 16:23 17:5 25:8 25:12 25:22 27:5 31:15 33:4 34:9 37:3 39:5 40:18 45:5 46:3 46:16 46:19 54:8 56:4 58:7 60:10 61:1 61:17 62:10 63:3 64:11 66:1 66:21 67:17 68:12 70:25 71:2 72:13 79:20 82:7 82:19 86:18 86:22 87:7 87:23 88:11 89:11 90:17 92:13 94:3 96:18 96:21 97:3 97:23 98:19 99:9 101:9 101:22 101:25 102:6 102:11 102:13 102:20 104:17 105:23 106:6 107:18 109:16 109:20 109:25 110:24 111:18 112:20 114:4 116:7 116:11 117:25 118:2 120:23 121:20 122:11 123:14 126:4 126:18 131:2 133:16 134:12 134:23 135:9 135:22 136:6 136:10 136:18 139:4 139:6 139:9 139:24 140:1 140:11 141:2 151:2 151:11 152:24 153:5 153:15 153:19 153:21 154:2 154:6 154:10 155:9 155:15 156:15 159:17 160:15 162:1 162:8 164:24 165:9 166:5 166:25 168:12 170:5 170:8 170:25 171:4 171:17 174:3 175:2 180:15 181:5 181:17 184:5 185:22 186:6 186:14 186:21 187:9 187:21 188:7 189:8 189:22 193:1 193:3 193:14 193:25 194:2 194:20 197:21 199:16 201:23 202:17 202:20 207:5 207:10 210:6 214:11 214:16 215:22 216:16 216:19 216:23 217:3 challenge [1] 30:21 challenges [1] 65:4 Chamber [3] 2:12 134:18 203:10 chance [5] 79:7 139:2 154:8 154:14 160:17 change [11] 15:12 21:18 31:24 34:17 45:1 56:18 66:6 66:14 112:6 183:9 211:6 changed [6] 11:9 14:6 29:14 46:5 46:8 56:23 changes [2] 8:24
bones [3] 195:25 196:3 204:23	brown [2] 96:8 181:7	2:20 3:3 3:12 100:1 104:13 106:20 118:4 121:5 127:20 132:4 134:18 152:19 176:22 180:18 181:15 187:2 187:3 187:7 187:15 189:3 194:11 203:9 218:1 218:4 218:17 218:23	casualties [1] 44:25 catastrophic [1] 149:16 catching [1] 174:15 categories [4] 140:6 156:21 156:23 157:15 category [2] 163:3 168:4 caucus [3] 134:5 147:22 150:22 caused [1] 208:25 causes [3] 42:11 45:25 125:24 caution [1] 152:17 cautionary [1] 141:24 cautious [1] 85:17 caveat [2] 89:9 153:24 caveats [1] 154:19 Center [1] 1:11 centered [1] 211:2 central [9] 22:25 65:20 67:15 152:11 172:17 173:8 173:9 185:10 207:15 century [1] 208:25 CEQA [1] 81:12 CEQA/NEPA [2] 53:9 67:1 ceremony [2] 131:12 133:24 certain [17] 24:4 24:6 26:12 41:3 54:25 54:25 65:5 68:6 81:16 84:18 134:8 150:5 159:2 160:12 182:14 202:10 208:2 certainly [33] 4:17 4:21 7:3 29:20 35:5 36:4 36:4 39:1 50:20 66:2 69:22 70:23 78:15 93:7 103:17 108:12 108:23 118:21 121:16 121:23 125:9 144:4 147:15 149:25 151:23 162:22 178:23 179:9 181:3 183:24 197:6 197:19 199:12 certainty [2] 89:14 142:11 certified [3] 15:20 218:3 218:16 certify [1] 218:4 cetera [3] 79:5 121:7 211:25 CFS [19] 23:13 23:13 23:17 25:15 53:4 53:25 58:18 59:1 59:14 60:15 60:20 64:17 65:6 65:14 65:16 65:17 65:18 68:7 68:9 Chair [7] 7:24 57:21 87:15 108:24 110:4 151:8 186:3	Chaired [1] 215:24 Chairman [163] 2:2 4:4 7:16 7:20 10:4 10:12 16:23 17:5 25:8 25:12 25:22 27:5 31:15 33:4 34:9 37:3 39:5 40:18 45:5 46:3 46:16 46:19 54:8 56:4 58:7 60:10 61:1 61:17 62:10 63:3 64:11 66:1 66:21 67:17 68:12 70:25 71:2 72:13 79:20 82:7 82:19 86:18 86:22 87:7 87:23 88:11 89:11 90:17 92:13 94:3 96:18 96:21 97:3 97:23 98:19 99:9 101:9 101:22 101:25 102:6 102:11 102:13 102:20 104:17 105:23 106:6 107:18 109:16 109:20 109:25 110:24 111:18 112:20 114:4 116:7 116:11 117:25 118:2 120:23 121:20 122:11 123:14 126:4 126:18 131:2 133:16 134:12 134:23 135:9 135:22 136:6 136:10 136:18 139:4 139:6 139:9 139:24 140:1 140:11 141:2 151:2 151:11 152:24 153:5 153:15 153:19 153:21 154:2 154:6 154:10 155:9 155:15 156:15 159:17 160:15 162:1 162:8 164:24 165:9 166:5 166:25 168:12 170:5 170:8 170:25 171:4 171:17 174:3 175:2 180:15 181:5 181:17 184:5 185:22 186:6 186:14 186:21 187:9 187:21 188:7 189:8 189:22 193:1 193:3 193:14 193:25 194:2 194:20 197:21 199:16 201:23 202:17 202:20 207:5 207:10 210:6 214:11 214:16 215:22 216:16 216:19 216:23 217:3 challenge [1] 30:21 challenges [1] 65:4 Chamber [3] 2:12 134:18 203:10 chance [5] 79:7 139:2 154:8 154:14 160:17 change [11] 15:12 21:18 31:24 34:17 45:1 56:18 66:6 66:14 112:6 183:9 211:6 changed [6] 11:9 14:6 29:14 46:5 46:8 56:23 changes [2] 8:24
bones [3] 195:25 196:3 204:23	brown [2] 96:8 181:7	2:20 3:3 3:12 100:1 104:13 106:20 118:4 121:5 127:20 132:4 134:18 152:19 176:22 180:18 181:15 187:2 187:3 187:7 187:15 189:3 194:11 203:9 218:1 218:4 218:17 218:23	casualties [1] 44:25 catastrophic [1] 149:16 catching [1] 174:15 categories [4] 140:6 156:21 156:23 157:15 category [2] 163:3 168:4 caucus [3] 134:5 147:22 150:22 caused [1] 208:25 causes [3] 42:11 45:25 125:24 caution [1] 152:17 cautionary [1] 141:24 cautious [1] 85:17 caveat [2] 89:9 153:24 caveats [1] 154:19 Center [1] 1:11 centered [1] 211:2 central [9] 22:25 65:20 67:15 152:11 172:17 173:8 173:9 185:10 207:15 century [1] 208:25 CEQA [1] 81:12 CEQA/NEPA [2] 53:9 67:1 ceremony [2] 131:12 133:24 certain [17] 24:4 24:6 26:12 41:3 54:25 54:25 65:5 68:6 81:16 84:18 134:8 150:5 159:2 160:12 182:14 202:10 208:2 certainly [33] 4:17 4:21 7:3 29:20 35:5 36:4 36:4 39:1 50:20 66:2 69:22 70:23 78:15 93:7 103:17 108:12 108:23 118:21 121:16 121:23 125:9 144:4 147:15 149:25 151:23 162:22 178:23 179:9 181:3 183:24 197:6 197:19 199:12 certainty [2] 89:14 142:11 certified [3] 15:20 218:3 218:16 certify [1] 218:4 cetera [3] 79:5 121:7 211:25 CFS [19] 23:13 23:13 23:17 25:15 53:4 53:25 58:18 59:1 59:14 60:15 60:20 64:17 65:6 65:14 65:16 65:17 65:18 68:7 68:9 Chair [7] 7:24 57:21 87:15 108:24 110:4 151:8 186:3	Chaired [1] 215:24 Chairman [163] 2:2 4:4 7:16 7:20 10:4 10:12 16:23 17:5 25:8 25:12 25:22 27:5 31:15 33:4 34:9 37:3 39:5 40:18 45:5 46:3 46:16 46:19 54:8 56:4 58:7 60:10 61:1 61:17 62:10 63:3 64:11 66:1 66:21 67:17 68:12 70:25 71:2 72:13 79:20 82:7 82:19 86:18 86:22 87:7 87:23 88:11 89:11 90:17 92:13 94:3 96:18 96:21 97:3 97:23 98:19 99:9 101:9 101:22 101:25 102:6 102:11 102:13 102:20 104:17 105:23 106:6 107:18 109:16 109:20 109:25 110:24 111:18 112:20 114:4 116:7 116:11 117:25 118:2 120:23 121:20 122:11 123:14 126:4 126:18 131:2 133:16 134:12 134:23 135:9 135:22 136:6 136:10 136:18 139:4 139:6 139:9 139:24 140:1 140:11 141:2 151:2 151:11 152:24 153:5 153:15 153:19 153:21 154:2 154:6 154:10 155:9 155:15 156:15 159:17 160:15 162:1 162:8 164:24 165:9 166:5 166:25 168:12 170:5 170:8 170:25 171:4 171:17 174:3 175:2 180:15 181:5 181:17 184:5 185:22 186:6 186:14 186:21 187:9 187:21 188:7 189:8 189:22 193:1 193:3 193:14 193:25 194:2 194:20 197:21 199:16 201:23 202:17 202:20 207:5 207:10 210:6 214:11 214:16 215:22 216:16 216:19 216:23 217:3 challenge [1] 30:21 challenges [1] 65:4 Chamber [3] 2:12 134:18 203:10 chance [5] 79:7 139:2 154:8 154:14 160:17 change [11] 15:12 21:18 31:24 34:17 45:1 56:18 66:6 66:14 112:6 183:9 211:6 changed [6] 11:9 14:6 29:14 46:5 46:8 56:23 changes [2] 8:24
bones [3] 195:25 196:3 204:23	brown [2] 96:8 181:7	2:20 3:3 3:12 100:1 104:13 106:20 118:4 121:5 127:20 132:4 134:18 152:19 176:22 180:18 181:15 187:2 187:3 187:7 187:15 189:3 194:11 203:9 218:1 218:4 218:17 218:23	casualties [1] 44:25 catastrophic [1] 149:16 catching [1] 174:15 categories [4] 140:6 156:21 156:23 157:15 category [2] 163:3 168:4 caucus [3] 134:5 147:22 150:22 caused [1] 208:25 causes [3] 42:11 45:25 125:24 caution [1] 152:17 cautionary [1] 141:24 cautious [1] 85:17 caveat [2] 89:9 153:24 caveats [1] 154:19 Center [1] 1:11 centered [1] 211:2 central [9] 22:25 65:20 67:15 152:11 172:17 173:8 173:9 185:10 207:15 century [1] 208:25 CEQA [1] 81:12 CEQA/NEPA [2] 53:9 67:1 ceremony [2] 131:12 133:24 certain [17] 24:4 24:6 26:12 41:3 54:25 54:25 65:5 68:6 81:16 84:18 134:8 150:5 159:2 160:12 182:14 202:10 208:2 certainly [33] 4:17 4:21 7:3 29:20 35:5 36:4 36:4 39:1 50:20 66:2 69:22 70:23 78:15 93:7 103:17 108:12 108:23 118:21 121:16 121:23 125:9 144:4 147:15 149:25 151:23 162:22 178:23 179:9 181:3 183:24 197:6 197:19 199:12 certainty [2] 89:14 142:11 certified [3] 15:20 218:3 218:16 certify [1] 218:4 cetera [3] 79:5 121:7 211:25 CFS [19] 23:13 23:13 23:17 25:15 53:4 53:25 58:18 59:1 59:14 60:15 60:20 64:17 65:6 65:14 65:16 65:17 65:18 68:7 68:9 Chair [7] 7:24 57:21 87:15 108:24 110:4 151:8 186:3	Chaired [1] 215:24 Chairman [163] 2:2 4:4 7:16 7:20 10:4 10:12 16:23 17:5 25:8 25:12 25:22 27:5 31:15 33:4 34:9 37:3 39:5 40:18 45:5 46:3 46:16 46:19 54:8 56:4 58:7 60:10 61:1 61:17 62:10 63:3 64:11 66:1 66:21 67:17 68:12 70:25 71:2 72:13 79:20 82:7 82:19 86:18 86:22 87:7 87:23 88:11 89:11 90:17 92:13 94:3 96:18 96:21 97:3 97:23 98:19 99:9 101:9 101:22 101:25 102:6 102:11 102:13 102:20 104:17 105:23 106:6 107:18 109:16 109:20 109:25 110:24 111:18 112:20 114:4 116:7 116:11 117:25 118:2 120:23 121:20 122:11 123:14 126:4 126:18 131:2 133:16 134:12 134:23 135:9 135:22 136:6 136:10 136:18 139:4 139:6 139:9 139:24 140:1 140:11 141:2 151:2 151:11 152:24 153:5 153:15 153:19 153:21 154:2 154:6 154:10 155:9 155:15 156:15 159:17 160:15 162:1 162:8 164:24 165:9 166:5 166:25 168:12 170:5 170:8 170:25 171:4 171:17 174:3 175:2 180:15 181:5 181:17 184:5 185:22 186:6 186:14 186:21 187:9 187:21 188:7 189:8 189:22 193:1 193:3 193:14 193:25 194:2 194:20 197:21 199:16 201:23 202:17 202:20 207:5 207:10 210:6 214:11 214:16 215:22 216:16 216:19 216:23 217:3 challenge [1] 30:21 challenges [1] 65:4 Chamber [3] 2:12 134:18 203:10 chance [5] 79:7 139:2 154:8 154:14 160:17 change [11] 15:12 21:18 31:24 34:17 45:1 56:18 66:6 66:14 112:6 183:9 211:6 changed [6] 11:9 14:6 29:14 46:5 46:8 56:23 changes [2] 8:24
bones [3] 195:25 196:3 204:23	brown [2] 96:8 181:7	2:20 3:3 3:12 100:1 104:13 106:20 118:4 121:5 127:20 132:4 134:18 152:19 176:22 180:18 181:15 187:2 187:3 187:7 187:15 189:3 194:11 203:9 218:1 218:4 218:17 218:23	casualties [1] 44:25 catastrophic [1] 149:16 catching [1] 174:15 categories [4] 140:6 156:21 156:23 157:15 category [2] 163:3 168:4 caucus [3] 134:5 147:22 150:22 caused [1] 208:25 causes [3] 42:11 45:25 125:24 caution [1] 152:17 cautionary [1] 141:24 cautious [1] 85:17 caveat [2] 89:9 153:24 caveats [1] 154:19 Center [1] 1:11 centered [1] 211:2 central [9] 22:25 65:20 67:15 152:11 172:17 173:8 173:9 185:10 207:15 century [1] 208:25 CEQA [1] 81:12 CEQA/NEPA [2] 53:9 67:1 ceremony [2] 131:12 133:24 certain [17] 24:4 24:6 26:12 41:3 54:25 54:25 65:5 68:6 81:16 84:18 134:8 150:5 159:2 160:12 182:14 202:10 208:2 certainly [33] 4:17 4:21 7:3 29:20 35:5 36:4 36:4 39:1 50:20 66:2 69:22 70:23 78:15 93:7 103:17 108:12 108:23 118:21 121:16 121:23 125:9 144:4 147:15 149:25 151:23 162:22 178:23 179:9 181:3 183:24 197:6 197:19 199:12 certainty [2] 89:14 142:11 certified [3] 15:20 218:3 218:16 certify [1] 218:4 cetera [3] 79:5 121:7 211:25 CFS [19] 23:13 23:13 23:17 25:15 53:4 53:25 58:18 59:1 59:14 60:15 60:20 64:17 65:6 65:14 65:16 65:17 65:18 68:7 68:9 Chair [7] 7:24 57:21 87:15 108:24 110:4 151:8 186:3	Chaired [1] 215:24 Chairman [163] 2:2 4:4 7:16 7:20 10:

BDAC MEETING

CondenseIt™

changing - concerns

211:7	47:12 47:19 47:20	command [1] 14:6	147:20 148:14 148:25	201:16 213:12
changing [2] 35:17	48:11 49:15 50:4	commend [1] 184:3	153:25 154:23 154:24	components [27]
115:24	106:4 112:16 138:6	comment [33] 4:23	155:11 156:17 156:20	13:20 14:10 15:5
channel [7] 21:13	140:19 142:5 152:13	5:2 5:15 6:1	157:15 161:3 161:12	15:5 15:7 15:24
30:11 30:22 31:22	155:10 162:3	25:14 42:6 61:20	161:14 161:20 161:24	16:2 17:12 27:1
32:4 32:10 32:13	clearly [19] 51:12	62:14 71:22 88:14	184:11 184:14 184:17	27:3 38:16 75:19
channels [13] 20:2	53:12 58:2 86:4	91:7 98:1 98:21	184:20 184:23 185:4	78:18 78:20 80:13
21:4 21:12 21:14	95:20 96:2 102:23	101:23 102:7 102:9	185:5 185:18 185:19	82:15 86:7 105:7
22:19 22:24 23:11	119:19 120:10 120:12	102:16 104:20 111:20	186:8	145:8 148:25 155:1
29:6 31:25 32:21	120:19 121:25 140:15	114:5 114:6 118:23	commonly [1] 96:18	170:16 186:10 200:6
89:4 191:19 192:1	158:19 163:4 164:4	119:9 138:20 147:19	communicate [1]	200:10 200:20 201:21
characteristics [1]	165:22 198:4 201:8	151:14 153:1 164:11	11:4	composed [1] 209:24
14:20	climax [1] 128:22	164:25 172:4 181:25	communication [3]	comprehension [2]
characterize [1] 158:25	climb [1] 129:13	194:13 216:20	9:8 9:20 151:8	106:13 106:16
characterized [1]	clock [1] 133:22	commenting [1]	communities [6]	comprehensive [6]
29:17	close [6] 4:21 88:13	102:14	78:1 99:1 114:24	11:19 29:20 30:10
charge [1] 166:4	123:22 126:3 157:18	comments [73] 5:9	117:21 147:7 211:20	118:25 119:3 132:8
charged [1] 8:12	181:14	6:10 6:10 6:14	community [24] 2:22	compromise [1]
charter [2] 73:24	closely [6] 40:23	6:21 7:6 7:11	11:14 82:10 90:4	59:10
166:17	71:14 121:17 122:22	9:5 9:14 9:23	95:17 96:11 108:11	computer-aided [1]
check [2] 101:3	192:11 204:17	13:13 13:21 13:22	122:17 122:20 123:12	218:9
193:14	closer [1] 166:19	21:16 21:20 29:11	133:20 134:1 137:21	COMPUTERIZED
checked [1] 176:20	closing [1] 125:21	50:22 51:25 61:18	143:11 144:13 185:16	[1] 218:21
checklist [1] 88:19	CM [1] 1:20	62:11 66:23 67:21	188:22 189:1 196:17	conceivable [2] 166:13
chemical [1] 192:6	co-sponsor [1] 151:23	68:19 68:24 68:25	211:1 211:16 211:18	166:18
chemicals [3] 27:25	coalition [2] 8:14	69:3 69:6 69:13	211:20 213:7	conceive [1] 71:17
114:15 192:4	127:4	71:9 72:11 74:25	company [1] 181:6	concentration [1]
chief [1] 196:15	coastal [1] 152:1	86:23 90:15 91:8	comparable [1] 45:18	20:21
chinook [1] 30:9	cognizant [1] 170:22	98:2 98:7 102:2	compare [2] 65:21	concept [14] 14:8
chip [1] 114:3	cohort [1] 126:9	103:4 103:7 107:5	194:16	18:11 43:5 51:7
chlorides [1] 77:8	coincidental [1]	107:19 112:21 123:23	compared [5] 13:4	51:9 62:18 91:20
choice [1] 185:20	17:14	126:11 127:11 135:24	39:11 76:11 120:4	92:4 92:7 158:23
choices [5] 76:8	collaborate [1] 11:24	136:3 136:8 136:15	184:11	160:3 160:7 182:11
78:19 79:10 79:12	collaboration [6]	136:20 137:21 138:23	comparison [1] 159:15	196:16
146:21	11:11 72:8 201:3	139:5 139:7 141:14	compatibility [1]	conceptionally [1]
choose [1] 9:18	201:11 211:15 211:20	150:24 151:4 151:17	60:23	201:10
choosing [1] 9:14	collaborative [3]	152:2 153:8 153:12	compatible [1] 122:4	concepts [3] 84:13
chosen [1] 204:10	11:21 31:14 86:14	156:18 160:25 175:5	compelling [1] 93:1	120:22 121:12
Chronicle [1] 132:22	collect [1] 196:9	175:11 180:21 185:17	compensated [1]	conceptual [1] 84:7
church [1] 114:22	collection [1] 114:19	185:23 201:7 201:7	178:9	conceptually [3]
cite [1] 131:11	collective [1] 69:23	201:14 208:22 217:4	complete [2] 61:15	23:13 63:6 155:3
cities [1] 96:9	collectively [1] 99:23	Commerce [3] 2:12	131:1	concern [30] 7:14
city [3] 3:8 172:24	collector's [1] 10:2	134:18 203:10	completed [1] 162:18	47:5 52:2 52:25
188:25	combination [3]	commercial [1] 9:11	completely [1] 131:22	53:9 53:15 55:11
Clair [1] 175:9	67:7 159:7 212:18	Commission [1]	completion [3] 16:19	55:24 58:12 63:15
Clara [1] 2:18	combinations [1]	2:3	162:23 163:25	81:10 81:24 82:12
clarification [7]	157:19	commitment [2]	complex [4] 14:13	90:20 100:13 118:9
48:5 49:18 50:17	combine [1] 201:7	152:10 161:11	78:25 152:3 152:6	138:9 146:1 146:7
52:23 58:2 62:13	combined [8] 15:14	commitments [3]	compliance [5] 77:16	151:21 151:24 153:24
93:24	19:4 19:7 20:10	67:7 167:16 167:22	211:7 211:10 212:21	155:17 175:1 179:10
clarifications [6]	23:22 75:18 147:11	committee [8] 7:24	212:23	179:24 186:23 188:3
47:2 51:17 56:7	212:20	71:5 78:16 128:16	complicated [1]	195:17 207:22
57:1 57:6 137:3	combining [1] 17:10	164:16 171:8 202:3	132:9	concerned [15] 23:1
clarifies [1] 48:4	comfort [1] 125:25	202:5	complications [2]	43:15 49:10 117:15
clarify [8] 9:13	comfortable [5] 139:1	common [74] 8:8	64:4 98:25	130:10 132:6 132:14
47:14 49:22 58:14	153:10 172:1 200:18	8:9 14:3 14:3	compliment [1] 202:16	132:20 143:2 145:22
138:12 161:4 185:3	207:3	14:8 14:11 14:12	comply [1] 152:11	147:4 173:19 175:23
186:11	comforting [2] 33:7	14:21 14:25 15:2	complying [1] 152:10	179:21 179:25
clarity [1] 206:3	199:15	15:4 18:25 19:7	component [27] 15:23	concerning [1] 67:21
Clark [1] 131:15	coming [17] 8:23	19:8 19:19 19:22	23:12 41:4 67:8	concerns [28] 6:16
classes [1] 78:20	49:9 61:11 86:16	22:4 23:23 24:1	76:13 76:14 79:9	7:2 35:7 46:5
clean [3] 117:12 152:12	98:8 114:10 116:22	27:7 27:11 28:10	79:10 82:12 85:5	47:22 51:1 52:1
191:4	122:24 140:7 172:25	28:12 29:8 31:2	85:10 86:4 92:21	54:1 74:25 75:4
clear [15] 35:12	173:4 173:9 173:18	31:3 34:10 34:13	93:19 98:12 101:20	81:2 87:2 101:12
	174:18 187:20 189:19	34:14 35:20 37:2	125:13 133:8 146:6	111:22 112:23 124:2
	203:20	47:9 47:12 47:20	147:4 147:19 148:12	124:20 137:3 137:5
		50:1 50:8 61:5	200:4 200:14 201:1	137:22 151:5 153:16
		61:11 62:22 73:7		153:18 184:20 185:1
		73:10 75:22 75:23		185:7 185:9 185:11
		76:1 83:2 103:2		
		118:22 138:8 145:21		

BDAC MEETING

CondenseIt™

conclude - customer

conclude [2] 5:10 79:14	108:9 115:17 115:18 115:19 198:13 210:21 210:23 211:3 211:6 211:19 211:22 212:11 212:19 213:6 213:15 213:22 214:21 215:10 215:11 215:18	contemplated [5] 50:8 83:25 84:2 85:21 165:23	147:11 161:7 198:14 204:11	course [13] 33:9 87:9 89:16 114:20 134:3 137:20 139:25 168:1 177:5 178:14 202:6 203:14 214:17
concluded [1] 92:19	conserve [2] 38:25 44:12	contemplating [1] 114:21	conveyed [2] 38:9 43:14	courses [2] 96:8 97:2
conclusion [4] 11:6 12:23 41:19 93:7	conserving [1] 26:8	content [1] 132:6	convinced [2] 107:25 128:24	court [1] 180:10
conclusions [3] 83:22 184:13 204:3	consider [6] 36:1 48:21 96:5 180:22 187:16 192:21	context [6] 15:18 16:6 56:17 64:1 72:1 91:14	cooperates [1] 55:21	cover [2] 74:15 199:19
concur [2] 57:19 140:13	considerable [6] 30:2 30:18 30:23 56:2 62:1 136:23	continually [1] 160:1	cooperation [2] 8:14 11:11	covered [2] 154:21 210:13
concurrence [1] 135:15	consideration [8] 21:1 21:7 58:21 93:10 93:20 145:15 187:8 188:5	continuation [1] 190:18	cooperative [1] 64:9	covering [1] 76:5
condition [2] 208:14 208:16	considered [17] 21:6 21:21 22:12 22:17 48:19 50:21 64:17 71:25 74:9 74:10 78:18 147:10 148:14 159:14 178:15 181:12 212:5	continue [14] 15:2 15:23 85:19 98:5 124:24 143:14 143:25 145:21 148:8 160:4 208:5 209:23 212:12 213:12	coordinator [1] 122:16	covers [2] 29:20 150:21
conditioning [1] 160:21	considerations [1] 195:12	continued [3] 61:4 83:24 209:20	copies [2] 4:16 203:11	cowboy [1] 193:10
conditions [6] 34:24 59:16 59:16 59:22 110:16 193:21	consolidate [1] 33:20	continues [3] 95:5 148:13 163:13	core [5] 14:23 47:16 47:21 76:13 143:17	craft [1] 52:21
conducting [1] 110:5	consolidated [1] 52:17	continuing [6] 146:1 148:11 160:1 173:13 200:4 216:11	corner [1] 86:16	create [4] 49:19 94:21 104:10 137:10
conference [1] 128:15	consolidation [1] 34:1	Contra [1] 2:6	Corps [2] 190:15	created [1] 120:14
confidence [8] 79:15 99:2 104:25 105:1 105:15 157:6 205:7 206:22	constant [1] 59:13	contract [3] 163:22 181:22 188:24	correct [7] 25:20 34:6 63:2 122:8 153:15 218:10 218:11	creates [1] 43:23
configuration [4] 23:14 23:20 55:17 56:13	constantly [4] 15:24 85:9 166:22 198:4	contractor [1] 181:23	correctly [1] 5:6	creating [4] 22:25 80:17 83:6 108:6
confining [1] 181:13	constituencies [1] 131:14	contrary [1] 120:8	correlated [1] 204:17	creative [2] 190:3 196:20
conflict [4] 11:12 54:11 63:12 120:12	constituents [1] 101:16	contrast [1] 45:7	cost [18] 88:22 111:6 111:7 111:11 111:16 119:4 120:1 120:4 120:9 122:1 122:6 133:14 142:6 158:2 159:1 178:3 204:4 204:19	creator [2] 114:24 115:1
conflicts [2] 18:19 121:13	Constitutional [2] 179:17 179:21	contribute [4] 79:6 157:23 162:23 163:7	Costa [7] 2:6 98:9 98:16 128:23 131:6 131:12 132:17	credibility [2] 104:10 205:20
confused [1] 25:13	constrain [2] 53:7 60:20	contributed [1] 183:18	costs [11] 113:14 120:10 120:17 120:20 142:10 145:10 204:4 204:19 205:4 206:10 206:13	credit [1] 131:7
confusing [1] 56:21	constraints [1] 18:18	contribution [2] 142:3 178:11	Council [21] 1:4 2:1 2:6 3:1 3:9 4:8 41:18 49:2 86:5 103:1 117:17 132:9 133:6 193:19 193:22 210:22 210:23 211:22 212:12 218:7 218:9	credits [1] 27:24
confusion [2] 180:23 180:24	construction [1] 146:23	control [3] 29:1 140:6 150:6	counts [11] 113:14 120:10 120:17 120:20 142:10 145:10 204:4 204:19 205:4 206:10 206:13	criteria [9] 51:6 52:5 52:10 52:17 52:22 54:10 54:13 55:5 59:9
congratulations [1] 134:12	construed [2] 58:5 58:8	controversial [2] 142:18 149:18	country [2] 94:13 141:21	critical [9] 30:15 30:15 69:20 86:6 86:13 110:14 128:9 133:25 144:12
conjunctive [6] 19:6 20:10 23:21 146:19 176:1 176:21	consult [1] 55:11	controversies [2] 152:18 152:21	county [12] 3:15 111:12 114:12 115:24 160:20 177:4 178:22 181:21 188:9 188:25 218:2 218:17	criticism [3] 106:5 110:4 139:25
connection [1] 149:6	consultants [1] 11:1	Convention [2] 1:11 131:21	count [1] 203:6	criticize [1] 106:7
cons [3] 79:8 140:16 140:20	consumptive [2] 49:21 59:23	conventional [1] 191:11	counties [6] 177:6 179:12 179:23 188:4 188:6 194:12	critique [1] 184:23
consensus [21] 7:2 69:3 70:5 70:14 71:12 71:12 71:18 77:20 79:7 98:6 118:12 128:2 131:10 149:19 151:12 152:7 153:6 164:14 167:11 184:8 207:20	cont'd [1] 3:1	conversion [15] 27:17 48:13 48:18 48:21 56:9 56:11 57:4 66:3 125:13 143:4 143:9 143:20 143:24 144:6 144:9	couple [20] 12:1 17:19 21:24 29:11 31:23 33:13 46:21 47:8 51:21 64:12 87:9 90:12 92:15 94:4 98:2 104:12 107:5 124:4 158:5 198:7	crop [1] 27:25
consequences [1] 78:8	contained [2] 78:10 125:5	conversions [2] 48:24 125:11	coupled [5] 19:22 22:2 110:17 198:15 199:8	cropping [2] 35:17 41:23
consequently [1] 94:23	contains [1] 204:15	converted [1] 150:17		crops [5] 33:24 35:18 40:11 92:10 191:14
conservation [53] 27:17 35:2 35:3 35:14 37:9 37:18 38:12 38:19 38:22 39:2 39:3 39:9 39:14 39:20 39:22 40:5 41:18 42:1 43:2 43:24 44:16 44:18 91:10 91:11 91:16 91:21 92:1 92:6 92:8 92:12 103:1 103:6 106:3	contaminants [1] 117:13	converting [2] 76:23 80:6		crossed [1] 207:2

BDAC MEETING

CondenseIt™

customers - Director

160:13		decides [1]	67:11	62:8		described [7]	43:22	diagnostic [1]	208:17
customers [1]	34:22	decision [9]	15:18	delivery [2]	60:4	47:6 53:1	72:20	dialogue [1]	196:7
cut [1]	39:24	15:21 71:10	84:18	104:7		124:10 125:4	134:2	Diamond [1]	2:17
cutbacks [1]	96:7	119:24 119:25	130:2	Delta [105]	2:11	describing [1]	50:13	Dick [12]	23:6
cuts [1]	138:7	155:25 165:8		4:8 15:12	15:14	description [4]	27:1	23:9 27:8	29:9
CVPIA [12]	118:25	decision-making [1]	87:20	19:3 19:5	20:2	45:2 61:3	125:5	31:17 34:9	54:16
119:12 119:13	119:16	decisions [13]	24:3	20:9 20:18	21:7	descriptions [2]	27:13 46:11	54:17 63:5	100:6
119:20 120:3	120:7	35:16 56:14	67:11	21:7 22:25	23:3	design [4]	48:1	141:19 209:22	
120:10 120:19	121:17	71:8 71:17	78:23	23:11 23:21	28:25	60:12 60:21	63:16	difference [3]	19:10
121:24 163:2		79:12 80:11	87:13	29:5 29:6	30:1	Designated [2]	3:6	37:13 148:24	
cycle [3]	191:7 192:9	90:13 138:24	182:15	30:10 30:11	30:13	3:10		differences [1]	212:5
192:11		decline [4]	78:4	31:4 32:22	33:19	designing [1]	60:24	different [64]	8:7
Cynthia [1]	133:21	190:24 208:25	208:25	37:14 38:9	38:25	desirable [1]	7:1	12:7 13:1	15:15
dam [2]	45:18 190:19	declined [1]	32:18	38:25 39:11	45:9	desire [1]	141:8	16:7 16:12	19:4
damage [2]	45:25	declining [1]	78:4	45:24 46:7	46:7	desperately [1]	178:22	19:18 19:19	19:22
54:25		decomposed [1]	32:14	46:8 50:3	50:10	despite [2]	8:2	20:24 21:24	22:2
Dan [23]	7:9 7:11	decrease [1]	91:13	52:16 53:5	55:16	75:16		22:15 23:4	23:19
7:15 7:19	67:23	dedication [1]	122:24	58:20 60:5	60:9	destroyed [1]	190:21	26:6 33:22	33:23
67:24 88:14	99:9	deep [1]	105:14	62:9 75:21	75:23	detail [23]	8:19	33:23 34:13	38:5
99:11 99:12	108:5	Defense [2]	2:21	76:2 76:24	77:12	15:16 15:25	54:17	39:7 44:19	47:13
111:3 112:22	113:4	defensible [1]	200:19	78:4 78:10	78:11	72:25 84:5	84:6	52:9 54:23	55:6
124:1 131:15	139:19	defer [2]	54:16 102:3	82:12 86:5	89:6	84:14 86:7	86:12	55:18 56:13	60:7
147:2 147:16	164:10	deficiencies [1]	39:21	95:1 98:14	99:6	88:2 89:14	98:13	82:25 83:5	83:24
170:5 170:6	170:10	deficient [1]	111:7	103:17 106:20	108:18	104:23 105:15	118:8	85:21 90:16	93:15
Daniel [9]	29:11	define [7]	76:9	113:6 117:16	147:19	125:17 137:6	137:8	105:7 111:25	114:23
31:19 33:1	33:13	definition [8]	9:5	148:7 148:16	148:23	150:25 158:15	206:21	121:25 132:21	138:3
54:18 63:11	64:21	9:6 12:12	12:21	149:4 149:6	149:8	208:11		138:5 138:7	138:8
64:25 100:6		88:25 93:22	137:24	149:9 149:14	149:20	detailed [8]	27:13	143:9 144:14	145:3
data [2]	80:11 86:9	155:23		149:22 150:2	150:13	51:7 84:21	85:1	145:8 145:9	158:21
date [3]	135:16 152:21	definitions [3]	93:18	150:14 150:16	150:17	90:9 103:5	118:21	176:18 185:6	185:8
182:23		94:2 138:11		159:22 159:24	160:2	137:10		185:11 187:19	195:13
David [7]	2:20	definitive [1]	93:16	174:12 174:25	178:9	details [3]	89:17	197:8 203:25	209:9
56:4 89:12	104:22	degradation [1]	31:22	178:24 179:1	182:8	118:20 185:10		209:10 210:3	214:3
130:18 133:20	188:1	degrade [1]	78:11	182:11 182:17	182:22	determination [1]	125:10	differently [1]	191:10
days [6]	72:12 93:6	degraded [1]	32:6	185:10 194:16	199:3	determine [3]	51:13	differing [1]	55:4
128:14 128:18	128:21	degree [5]	70:4	199:4 207:25	208:3	61:10 113:6		difficult [8]	79:18
130:17		71:12 105:10	121:11	208:21 209:22	214:22	determined [1]	95:13	84:17 84:21	149:18
de-establishment [1]		161:13		215:1 215:4		determining [1]	140:20	150:7 157:4	157:16
183:14		deliberate [2]	4:25	demand [21]	34:12	develop [13]	15:25	211:9	
deadline [1]	128:10	79:4		39:15 40:6	41:16	38:24 44:1	48:1	difficult [2]	52:7
deal [26]	14:13 28:16	deliberately [1]	140:24	41:19 42:23	92:11	51:5 51:7	59:9	84:4	
28:19 29:25	33:14	deliberation [1]	93:11	144:13 145:5	145:12	80:23 85:7	135:2	digestible [1]	189:16
54:14 63:17	64:2	deliberations [5]		145:13 155:18	155:20	158:17 162:15	168:17	digestion [1]	141:7
64:4 90:22	92:22	49:15 138:14	138:19	155:21 156:1	156:3	developed [11]	31:10	diked [1]	30:19
96:1 108:8	111:13	167:12 210:5		156:9 159:19	160:1	31:13 48:6	48:11	dikes [1]	30:19
134:5 134:11	142:16	delicate [2]	115:10	160:11 185:13		74:20 93:18	110:17	dilute [1]	173:14
148:9 154:23	155:1	delineating [1]	169:4	demands [5]	60:22	130:25 158:14	201:11	dinner [1]	17:23
155:2 166:13	176:7	deliver [2]	6:21	144:18 198:17	199:1	207:18		direct [1]	97:16
183:7 192:2	216:8	deliberate [2]	4:25	199:1		developing [5]	73:13	direction [4]	91:3
dealing [11]	11:9	deliberately [1]	140:24	Department [4]	55:7	80:11 81:18	152:10	99:18 105:16	126:11
18:19 31:2	31:3	deliberation [1]	93:11	depend [1]	39:3	177:20		directly [4]	73:23
34:1 56:1	81:12	deliberations [5]		dependence [5]	75:23	development [13]		102:5 196:5	215:6
92:16 104:15	122:10	49:15 138:14	138:19	77:11 125:8	125:15	12:22 29:4	50:20	Director [49]	2:4
169:8		167:12 210:5		125:20		67:5 73:7	138:17	7:23 10:7	10:10
dealt [4]	16:11 65:5	delicate [2]	115:10	dependent [3]	30:8	150:10 152:1	162:11	10:13 17:1	17:7
154:10 158:8		192:16		76:2 110:12		162:12 162:16	170:12	22:10 22:14	23:8
debate [3]	13:8	delineating [1]	169:4	depending [5]	5:9	190:14		24:10 24:13	24:17
164:18 167:20		deliver [2]	6:21	145:12		developmental [1]		24:23 26:19	26:23
debris [1]	173:5	delivered [1]	69:8	depleted [1]	32:3	151:15		43:7 44:9	46:4
debt [1]	204:23	delivering [2]	58:23	depletion [1]	32:22	179:25 180:1		66:2 72:15	79:24
decades [4]	103:16			depletions [1]	33:3	devise [3]	38:18	81:9 82:6	84:3
103:18 169:2	179:16			DEPOSITION [2]		51:13 194:17		86:1 91:15	91:19
December [2]	113:3			1:23 218:22		devised [1]	76:3	92:3 92:14	95:11
182:23				depth [1]	67:4	devoting [1]	198:15	109:23 110:2	122:8
decide [4]	77:21			derive [1]	77:9			126:24 154:13	155:14
97:8 120:1	164:23			derived [1]	183:13			156:5 156:10	156:14
decided [1]	203:23			describe [1]	92:5			158:4 162:21	163:15
								177:3 198:24	199:10
								199:18 216:6	216:18

directs [3] 122:5 122:7 132:12	214:23	148:6 178:2	casements [5] 91:10 91:12 91:16 91:21 92:1	35:24 36:3 36:9 36:12 36:15 36:16 36:23 37:2 37:6 37:23 38:12 38:19 42:5 42:11 42:12 42:24 43:16 43:20 44:3 44:18 48:14 48:21 48:25 56:11 64:16 64:22 77:10 92:25 93:2 93:18 93:25 102:25 103:22 125:6 125:7 125:12 125:16 125:19 142:24 155:21 155:24 156:1 160:7 163:4 183:12 190:11 195:16 200:5
disagree [1] 121:24	districts [6] 35:15 115:18 211:15 211:21 213:19 213:20	draft [10] 9:24 16:18 47:23 57:7 95:19 95:20 196:22 201:10 201:12 201:15	easier [3] 24:6 119:15 200:20	efficient [7] 31:7 36:24 37:24 41:6 42:14 55:13 65:6
disagreeing [1] 40:23	diverse [1] 87:3	drag [1] 115:20	East [3] 1:24 3:4 218:22	efficiently [3] 36:20 40:2 48:20
disagreement [2] 87:19 164:13	diversion [14] 15:11 19:3 20:1 22:20 33:22 34:2 34:6 49:4 49:14 52:15 54:21 54:23 61:5 64:2	drain [6] 117:13 172:5 172:9 173:11 173:13 173:17	easy [1] 116:20	effort [23] 8:5 16:19 31:14 50:13 52:20 53:21 56:18 116:3 128:8 133:7 135:2 135:5 139:13 139:24 140:3 157:10 163:21 164:14 167:7 188:14 195:12 198:8 210:4
disappeared [1] 164:17	diversions [15] 18:6 21:3 30:4 30:13 33:16 33:20 36:17 50:5 52:13 55:13 63:12 64:10 65:1 116:2 173:2	drainage [13] 27:15 27:16 27:17 28:5 28:6 28:7 77:14 80:7 92:22 164:13 164:15 180:21 181:7	eat [1] 193:15	eggs [5] 33:10 33:14 33:17 34:3 34:5
disclosure [1] 53:23	diverted [1] 36:22	dramatic [3] 24:5 31:24 149:15	echo [1] 141:14	EIR [2] 15:20 199:25
disconnect [1] 99:17	diverter [1] 55:21	drastically [1] 172:7	echoed [1] 98:2	EIR/EIS [4] 15:20 83:20 162:23 163:25
discreet [1] 209:21	diverting [1] 55:17	dredging [2] 21:12 22:19	echoing [1] 131:17	EIS [5] 15:21 81:25 162:18 163:13 199:25
discuss [9] 8:19 33:12 54:10 79:8 80:3 87:18 90:25 150:24 201:8	DMC [1] 77:5	drive [1] 43:24	eco [1] 98:17	EIS's [1] 76:17
discussed [23] 17:22 24:1 35:2 43:6 43:17 50:3 51:21 72:19 91:16 120:15 120:16 142:18 182:21 184:12 203:15 206:17 207:15 213:4 213:5 213:7 213:10 213:14 214:20	document [2] 147:13 182:6	drink [2] 25:10 191:3	ecological [2] 29:24 97:16	either [12] 38:10 44:19 57:18 61:7 63:4 87:3 87:18 94:11 141:5 142:15 158:7 165:3
discussing [5] 67:10 84:4 86:3 93:25 159:11	documentation [4] 12:18 50:11 62:7 199:24	drinking [7] 25:5 25:6 25:19 59:6 60:7 65:11 191:5	economic [5] 2:5 44:15 81:19 183:13 192:21	elaborate [2] 87:5 195:24
discussion [49] 5:10 26:17 31:18 33:7 44:24 49:1 50:18 65:13 67:4 67:15 67:22 68:13 74:9 77:16 82:21 83:24 92:18 96:24 99:16 103:25 106:10 119:6 119:7 119:13 126:21 136:23 138:24 141:13 156:2 158:22 161:2 168:25 170:3 184:11 186:23 196:12 197:12 199:20 208:4 208:8 208:8 209:2 209:16 210:12 210:16 210:19 211:2 212:9 212:15	documents [4] 6:15 62:2 138:16 138:18	drive [1] 43:24	ecosystem [73] 12:3 14:5 18:16 20:11 20:15 22:4 23:23 24:5 26:13 27:9 29:10 29:12 29:18 31:1 31:7 31:8 49:21 50:1 50:8 63:7 63:20 80:18 82:11 82:12 83:2 89:1 89:7 91:17 99:24 100:6 100:24 109:4 110:9 118:24 119:10 120:3 142:12 145:20 145:22 147:20 147:24 148:13 148:16 148:21 148:21 149:7 153:24 158:20 163:1 163:1 168:15 170:16 182:1 182:2 183:5 185:9 190:11 195:3 195:5 195:8 195:10 195:17 200:6 201:10 204:25 207:12 207:17 207:20 208:1 208:7 208:10 209:11 210:3	efforts [11] 28:2 31:6 50:14 75:16 98:6 110:18 148:1 157:2 167:21 215:2 215:18
discussions [20] 8:3 9:20 26:7 35:22 47:18 47:23 48:15 49:2 49:6 49:16 51:2 51:20 81:24 118:19 125:25 166:24 195:21 197:10 207:23 213:11	dog [1] 190:10	driver's [1] 211:18	Ed [1] 116:14	elaborate [2] 87:5 195:24
disease [1] 192:2	dollar [3] 157:12 159:3 159:4	driving [2] 43:20 123:10	EDF [2] 98:10 98:24	element [6] 28:14 28:20 145:10 175:14 176:21 198:13
disparate [1] 8:7	dollars [1] 214:24	drop [2] 143:8 155:25	Edison [1] 3:14	elements [13] 28:13 29:2 38:5 100:10 146:11 146:12 146:14 148:5 155:20 156:9 156:11 175:6 195:8
display [2] 53:12 53:20	Don [3] 2:16 91:5 108:12	dropped [4] 45:1 160:3 160:11 196:17	educate [1] 214:6	elevation [1] 177:7
displayed [1] 53:22	done [29] 8:17 17:10 29:16 33:12 41:16 75:12 79:1 81:2 85:1 101:17 101:19 103:21 110:10 113:6 117:2 117:20 128:18 129:1 129:15 161:17 161:18 162:20 188:11 190:1 190:2 190:16 190:21 192:21 195:25	drops [1] 20:23	education [3] 213:13 213:18 213:18	elicited [1] 135:14
disputing [1] 39:19	dotted [1] 207:2	drought [14] 39:22 41:12 93:15 94:9 96:3 96:6 96:12 96:13 104:6 104:6 122:21 123:6 175:25 176:3	educational [1] 17:23	eliminate [1] 179:1
disruptive [1] 79:15	doubt [1] 107:9	dry [1] 176:6	effect [3] 96:10 112:10 204:13	Elk [1] 191:2
dissolved [1] 172:23	doubts [1] 90:24	Du [2] 180:17 180:17	effective [6] 131:24 166:8 167:15 203:19 209:10 211:12	elsewhere [1] 38:8
distinct [4] 32:9 33:16 44:15 164:4	down [29] 10:24 17:17 32:14 55:15 61:3 61:20 73:4 76:6 83:19 94:8 94:9 94:15 95:10 97:1 97:11 97:12 113:1 115:21 160:21 169:23 172:19 172:20 172:21 173:5 179:1 187:17 193:18 197:11 218:6	dual [13] 15:13 19:21 23:10 39:11 43:2 53:1 53:11 58:18 59:2 59:3 88:15 138:17 204:10	effectiveness [2] 158:2 159:1	Elson [1] 139:12
distributed [1] 97:7	downstairs [1] 4:19	due [2] 75:23 183:14	effects [3] 97:16 97:17 106:21	embark [1] 139:12
district [17] 2:9 2:16 2:19 3:5 3:14 92:12 95:22 95:23 96:4 123:25 177:4 181:21 188:9 196:5 196:10 214:22	downstream [6] 22:22 30:14 32:17 33:17	Dues [1] 211:1	efficiencies [4] 101:24 104:12 214:3 214:4	embodied [1] 43:21
		Dunning [2] 108:23 215:24	efficiency [61] 14:7 20:11 23:23 26:7 27:10 34:11 34:12 34:14 34:19 35:1 35:12 35:20 35:22	embrace [1] 42:4
		during [19] 18:5 30:15 33:16 35:7 39:16 47:6 94:8 96:13 109:11 114:20 122:21 123:6 128:14 135:20 140:17 142:2 176:5 176:6 199:20		emerged [2] 135:5
		dynamic [1] 150:9		
		early [6] 11:17 48:8 138:23 139:3 158:6 159:12		
		earth [3] 114:24 115:11 115:13		
		casement [2] 92:7 92:12		

139:11	ensuring [2]	167:6	172:22 182:22 182:24	81:9 82:6 84:3	184:20 207:22		
emergencies [1]	167:7		182:25 183:19	86:1 91:15 91:19	extensive [5]	15:1	
28:16	enter [2]	95:21 95:22	estuary's [1]	92:3 92:14 95:11	73:9 73:11 161:11		
emergency [4]	enthusiasm [1]	211:5	et [3]	109:23 110:2 122:8	184:21	extensively [1]	189:13
28:17 28:18 28:19	entire [3]	61:7	211:25	126:24 154:13 155:14		extent [5]	26:12
emphasis [5]	184:4 188:18		ethic [3]	156:5 156:10 156:14		65:9 71:11 85:2	
100:9 143:10 146:2	entirely [3]	45:11	215:18	158:4 162:21 163:15		163:6	
161:7	114:23 166:13		evaded [1]	183:23 198:24 199:10		externally [1]	48:16
emphasize [5]	entities [1]	172:16	evaluate [2]	199:18 216:6 216:18		extra [2]	120:4 188:14
67:14 81:22 130:9	entitled [2]	97:24	175:13	exercise [1]	13:1	extraction [3]	30:22
195:10	122:20		evaluated [1]	15:11 19:2 19:3		31:25 32:5	
empirically [1]	entitlement [1]	181:23	evaluation [6]	20:1 20:2 21:3		extraordinary [1]	
employees [1]	entity [3]	162:14	23:18 48:9 145:7	21:3 21:4 21:12		96:12	
empowered [1]	163:14 166:16		200:1 211:10	22:19 30:22 39:10		extremely [1]	144:15
encompass [1]	entrainment [2]	33:10	evaporate [1]	50:5 52:16 53:5		eye [1]	152:22
encompasses [2]	33:14		evaporates [1]	53:6 53:14 66:12		face [2]	116:17 116:18
27:12 27:15	entrance [1]	32:12	evaporation [1]	122:3 151:15 151:20		facet [1]	45:6
encounters [2]	enumerated [1]	155:19	evenings [1]	202:24		facilitate [1]	78:12
55:1	environment [10]		5:7	exists [2]	71:13	facilities [19]	28:8
encourage [3]	18:4 18:7 40:15		everybody [9]	122:9		41:3 42:15 42:16	
161:3 161:23	99:2 114:17 124:12		66:3 86:10 89:23	expand [3]	132:1	52:10 52:14 52:18	
encouraged [2]	144:8 145:19 183:25		111:16 153:13 157:22	151:5 151:6		53:11 53:21 54:15	
145:18	198:9		197:4 203:11	expansion [1]	135:19	76:1 111:14 146:3	
encouraging [1]	environmental [38]		everybody's [1]	expect [11]	4:22	146:24 147:8 178:20	
211:3	2:21 12:17 36:16		11:14	36:11 42:3 56:2		180:5 180:11 180:12	
end [17]	36:22 40:17 77:2		evidence [2]	86:25 96:5 96:6		facility [21]	15:15
5:15 5:25	77:23 82:10 85:16		77:10	96:7 96:8 196:9		23:15 43:2 45:7	
6:11 8:2 10:20	98:11 114:14 120:11		evolution [1]	206:2		53:1 53:3 53:10	
21:18 22:18 22:19	123:4 127:22 129:11		evolved [1]	expectation [3]	36:19	54:23 58:19 59:2	
24:25 70:23 72:1	131:11 133:19 134:1		evolving [5]	126:5 129:10		59:3 59:20 61:6	
76:20 77:12 100:12	134:5 143:11 144:13		93:6 93:9 147:15	expected [1]	150:10	67:10 67:25 74:10	
102:15 200:17 201:15	145:17 146:4 146:6		149:17	expecting [2]	44:3	88:15 147:3 147:10	
endangered [3]	147:22 150:22 152:15		exact [1]	165:25		178:18 178:21	
114:17 152:12	164:21 168:5 175:17		exactly [11]	expenditures [2]		facing [2]	111:11
endeavor [1]	180:9 196:17 198:16		26:22 36:2 41:8	168:1 184:18		198:18	
endeavored [1]	208:1 211:1 211:16		47:10 51:14 61:17	expense [2]	12:9	fact [35]	7:17 11:14
ended [1]	213:8 216:9		61:20 112:17 168:7	123:12		23:2 34:4 52:20	
ending [1]	environmentalist [1]		202:13	expenses [1]	204:20	57:6 61:3 80:4	
endorse [3]	114:13		examination [2]	55:22 161:17		88:8 88:17 89:22	
167:18 169:7	environmentally [1]		109:2 155:12	experience [4]	64:25	90:6 90:14 96:22	
endorsed [1]	150:15		example [15]	76:16 121:18 213:17		109:3 114:19 114:21	
endorsement [1]	equates [1]	25:4	37:25 56:8 56:15	experimental [2]		127:6 127:16 127:23	
98:14	equation [2]	120:20	76:22 85:12 90:1	49:5 49:14		142:12 146:5 151:16	
energized [1]	180:13		97:10 105:3 139:16	expertise [2]	100:22	152:14 154:19 160:18	
enforce [1]	Eric [4]	2:6 156:15	162:18 167:25 205:22	168:23		163:9 175:7 189:13	
enforceable [1]	202:2 207:5		212:25 213:25	explain [3]	37:11	204:6 211:5 211:17	
enforcement [2]	Eric's [1]	195:7	examples [5]	44:21 56:17		212:13 213:14 213:19	
212:13 213:2	error [1]	42:10	77:18 80:16 112:1	explanation [2]	9:16	factor [1]	199:8
engage [1]	162:25		exceeds [1]	77:2		factors [1]	130:3
166:23	especially [10]	28:24	190:15	explication [1]	37:5	failure [3]	78:8
engaged [1]	30:17 40:14 138:21		except [4]	explicitly [1]	43:17	149:16 183:18	
engineering [1]	175:11 175:16 175:25		117:19 155:24 188:12	explore [1]	149:19	faintest [1]	198:11
65:4	177:7 179:5 185:15		excess [3]	export [6]	20:5	fair [4]	4:22 48:8
Engineers [2]	essence [1]	43:13	68:6 178:7	38:7 39:12 66:7		87:2 154:21	
190:20	essential [3]	66:25	excited [1]	77:12 124:15		Fairfax [1]	173:3
enhance [1]	67:3 77:24		exciting [1]	exported [4]	77:9	fairly [13]	10:22
enhancement [1]	essentially [10]	17:11	150:8	78:12 106:20 159:24		50:16 57:14 67:1	
135:19	17:25 30:21 33:15		exclusion [1]	exporters [1]	124:11	86:24 87:3 132:8	
enhances [1]	52:1 56:24 64:1		exclusive [1]	exports [6]	37:14	139:1 139:2 158:14	
enlarging [1]	98:13 154:24 186:11		Excuse [1]	63:17 113:3 125:8		178:10 203:6 209:21	
177:24	establish [1]	138:6	Executive [49]	125:15 125:20		faithfully [1]	135:25
enlightening [1]	established [2]	103:10	2:4	exposure [1]	201:20	fall [1]	111:10
9:17	148:9		7:23 10:7 10:10	express [1]	7:5	fallacious [1]	94:14
enormous [3]	103:6		10:13 17:1 17:7	expressed [6]	52:4	fallowing [10]	35:17
97:14	establishing [2]	69:21	22:10 22:14 23:8	58:12 137:6 149:21		92:10 93:8 93:10	
129:3 209:8	103:6		24:10 24:13 24:17			93:14 93:21 93:22	
ensure [7]	establishment [1]		24:23 26:19 26:23				
102:22 105:16 110:19	183:15		43:7 44:9 46:4				
167:16 179:15 180:12	estuary [6]	30:1	66:2 72:15 79:24				

93:23 96:5 143:24	203:25 214:6	fish [33] 22:21 22:25	145:19 160:2 172:12	8:11 16:4 21:25
familiar [1] 10:17	ferret [1] 9:7	32:7 32:17 49:25	173:1 173:14 173:17	50:16 58:5 68:11
Family [2] 2:22	feverishly [1] 130:17	50:2 50:4 50:7	174:6 174:10 174:13	72:12 87:13 88:1
122:18		51:5 52:5 52:10	179:2 183:9	88:3 88:6 88:9
far [24] 62:1 62:3	few [15] 49:17 57:22	54:10 54:19 54:24	flush [4] 32:23 58:11	89:22 89:23 90:6
63:19 75:13 106:16	68:17 127:10 131:3	55:1 55:5 55:5	91:2 174:11	90:15 90:23 119:7
107:14 131:10 132:6	154:18 154:19 175:5	55:7 55:22 56:1	flushed [1] 212:8	122:13 137:2 142:16
132:20 151:19 154:11	175:11 176:10 178:4	64:1 64:14 64:22	focus [13] 18:6	148:10 163:20 163:23
156:18 157:12 157:23	180:8 205:24 205:25	65:1 65:6 97:11	18:9 30:2 30:13	166:2 186:9 200:23
158:1 169:3 179:3	209:19	116:1 172:8 173:20	42:7 42:18 68:20	fostering [1] 162:4
179:24 184:24 187:3	fewer [3] 34:2	174:14 174:23 174:25	128:4 138:17 154:22	found [4] 9:16
188:12 190:15 191:9	44:17 44:18	183:20	184:17 195:1 199:23	62:1 63:13 103:12
209:8	fifth [1] 74:4	fisheries [9] 33:8	focused [11] 8:23	foundation [1] 72:7
farm [4] 2:20 115:25	fight [1] 174:1	52:9 59:16 59:18	8:23 11:8 52:1	four [26] 19:8 19:19
180:18 203:11	figure [5] 36:2	59:22 63:13 81:20	53:9 71:25 76:6	22:3 27:1 34:10
farmer [6] 95:13	38:14 84:17 188:20	110:14 209:1	96:11 131:8 167:6	68:14 73:10 77:3
114:12 114:14 114:20	205:18	Fishermen's [1] 2:24	210:19	119:18 127:18 140:6
116:10 190:9	figured [1] 207:3	fishery [3] 33:8	focusing [2] 119:10	156:21 156:23 158:10
farmers [10] 2:23	figures [1] 204:19	55:8 208:17	FOLEY [5] 2:9	158:10 158:11 172:16
106:24 111:1 113:22	figuring [2] 85:22	fishes [3] 34:5	60:11 186:20 216:22	174:15 184:18 184:25
115:22 115:23 122:18	166:19	34:5 64:8	217:1	185:5 186:1 186:10
191:11 192:4 192:14	file [1] 87:17	fishing [3] 9:11	Foley's [1] 216:21	186:17 207:16 217:14
farming [2] 106:24	files [1] 65:16	174:1 174:2	folks [12] 11:1	fourth [5] 35:4
190:13	fill [2] 5:4 75:7	fit [6] 24:2 80:14	47:15 49:8 100:17	36:14 73:22 209:2
farms [2] 174:19	filled [3] 5:19	93:20 93:22 112:4	108:12 116:4 134:8	215:23
181:13	114:7 202:21	119:18	147:2 147:16 147:17	fragile [1] 192:10
farther [1] 153:25	final [9] 9:24 55:20	fits [2] 36:3 45:3	149:21 166:1	fragments [1] 148:20
fascinated [1] 179:7	146:25 147:1 147:1	five [18] 5:17 17:15	follow [2] 57:11	frame [2] 5:18
fashion [5] 58:13	147:19 155:12 162:18	24:24 25:3 56:8	66:22	68:23
63:18 73:21 74:2	201:15	56:15 72:16 74:18	follow-up [4] 39:6	framed [2] 72:17
122:10	finally [5] 35:19	159:3 167:23 169:18	42:21 156:17 165:18	86:2
fast [1] 9:19	38:12 130:25 169:1	174:15 177:25 178:1	followed [1] 21:16	framework [2] 212:1
faster [1] 198:6	213:23	180:3 194:22 198:18	following [3] 4:1	212:3
fauna [1] 114:25	finance [15] 153:3	209:24	126:15 202:6	framing [4] 58:9
favorable [1] 141:8	157:8 187:14 195:6	fix [1] 113:6	follows [1] 103:3	61:18 68:14 71:20
favorably [2] 91:25	195:15 197:10 200:13	fixing [1] 12:1	Fonzie [1] 76:21	Francisco [7] 2:13
134:14	201:17 202:3 203:19	flag [1] 113:18	food [2] 191:19 191:23	30:16 132:22 141:10
feasibility [2] 79:5	203:23 204:6 205:17	flashing [1] 136:24	foot [2] 173:4 177:7	177:14 182:8 182:24
176:20	205:24 206:22	Flat [3] 45:16 45:17	force [1] 133:6	frankly [5] 31:14
feasible [1] 175:21	finances [1] 161:2	45:19	forecast [1] 41:2	100:4 100:21 100:25
February [1] 147:9	financial [5] 16:3	flesh [1] 173:22	foregoing [1] 218:10	166:16
Federal [15] 3:6	161:10 200:11 200:12	flexibility [8] 35:23	forest [1] 191:2	freak [1] 114:14
11:11 71:5 133:7	207:4	41:13 44:7 44:10	forget [1] 163:10	freaks [1] 98:17
133:13 134:25 141:24	financing [5] 112:2	44:17 63:15 107:2	forgot [1] 205:19	free [7] 7:12 96:1
147:11 152:12 178:20	153:2 196:1 200:21	168:10	form [5] 6:11 14:10	96:15 96:22 98:24
202:15 202:15 202:23	203:8	flexible [4] 44:14	93:11 201:1 214:2	115:13 215:12
202:24 213:1	findings [1] 206:1	212:1 212:19 215:14	formal [1] 87:17	frees [1] 215:12
Federation [1] 2:20	fine [4] 109:19 113:16	28:24	format [1] 189:6	fresh [2] 26:3 137:18
fee [6] 195:9 195:23	117:16 135:7	29:6 32:17 45:15	formation [1] 18:21	freshwater [3] 148:18
196:9 196:16 197:1	fine-tune [1] 63:9	45:25	formed [3] 14:8	160:1 160:5
197:20	fine-tuned [1] 63:21	flooded [1] 76:23	129:5 216:7	Friant [3] 3:13
feed [3] 16:15 30:1	finessing [1] 100:10	floor [2] 37:24 212:21	forms [1] 144:7	45:13 95:23
187:4	finished [1] 136:16	flora [1] 114:24	formula [1] 122:6	FRICK [2] 3:13
feedback [5] 105:25	Firebaugh [1] 3:8	flow [17] 18:1	119:22 164:22 201:4	110:25
106:1 187:1 197:8	firm [1] 78:20	23:12 26:11 32:8	forth [9] 38:3 59:23	Friday [3] 1:14
201:8	firmly [1] 76:14	33:3 37:14 59:19	113:13 113:14 114:2	4:9 6:3
feeling [2] 75:3	first [32] 11:10 13:7	61:7 77:6 94:25	140:21 161:8 169:7	friendly [2] 23:1
96:19	14:16 14:24 17:22	95:3 97:13 97:14	192:22	95:18
fees [5] 195:21 196:4	52:2 55:12 72:4	145:22 163:23 173:4	forthright [1] 211:12	front [6] 4:16 8:2
196:5 203:14 213:6	72:22 79:7 99:11	204:22	forthrightly [1] 53:12	64:2 112:19 151:18
feet [11] 24:11 54:21	99:12 106:4 118:5	flowing [2] 59:14	forum [4] 2:5	170:17
60:17 65:2 65:16	135:14 136:24 140:13	59:25	119:22 164:22 201:4	fruit [1] 192:1
94:19 178:6 178:19	154:11 154:16 154:17	flows [24] 15:13	196:22	frustration [1] 118:10
181:22 205:4 214:25	159:3 163:10 177:25	18:9 24:6 24:25	forums [2] 120:16	fulfilled [1] 71:17
felt [10] 47:2 49:8	178:4 179:8 180:8	26:3 30:14 32:17	forward [28] 7:16	full [13] 20:5 20:6
56:21 133:17 137:7	201:9 203:21 206:4	32:22 68:5 68:6		20:8 24:15 50:20
168:6 168:16 175:24	206:5 207:16 212:11	106:19 110:14 110:20		53:4 53:11 53:23

BDAC MEETING

Condenselt™

fully - hereby

53:24 67:9 166:23	96:25 115:12 117:21	115:1 115:1 154:3	103:14 191:16 198:6	116:9 116:9 190:8
218:10 218:11	glad [4] 143:24 168:13	154:3 154:7 166:13	growing [1] 198:5	190:8 193:2
fully [3] 142:14 211:12	193:23 216:15	167:22 176:2 176:2	growth [1] 78:5	HASSETLINE [5]
212:7	glancing [1] 19:9	179:10 183:7	guarantee [1] 61:16	2:6 75:6 156:16
function [2] 155:20	Glenn-Colusa [1] 2:16	greater [6] 30:16	guarantees [5] 50:24	202:3 205:14
155:21	global [1] 150:11	30:20 38:2 104:10	51:2 55:21 200:15	hat [1] 129:2
functions [3] 18:17	goal [2] 160:4 199:2	147:10 161:13	209:13	hate [2] 152:8 168:5
29:24 33:7	goals [2] 162:23 208:17	greatest [3] 127:2	guess [29] 17:4	haul [1] 169:14
fund [2] 2:21 163:2	God [1] 115:2	183:13 197:16	22:18 25:13 27:4	haunt [1] 5:6
fundamental [6] 13:19 18:3 66:5	goes [11] 40:12 42:22	greatly [1] 107:6	39:18 40:4 40:14	head [2] 99:22 135:1
95:25 96:14 124:8	58:5 65:10 65:14	green [1] 136:24	56:6 56:16 57:20	headed [5] 9:13
funding [8] 28:17	104:20 172:13 172:17	grew [1] 190:25	59:4 59:12 65:10	84:20 99:18 100:19
28:21 29:3 168:25	172:19 178:2 179:9	groan [1] 209:8	68:7 70:16 81:23	126:10
196:1 202:23 203:1	golden [2] 2:24	ground [5] 4:24	84:17 87:24 93:17	heading [2] 115:7
203:3	9:25	8:8 65:3 80:19	97:24 108:25 122:2	193:4
funds [3] 133:7	golf [2] 96:8 97:1	154:21	125:21 133:11 156:18	health [2] 148:16
202:15 202:25	gone [6] 32:2 128:20	groundwater [10] 19:7 20:10 23:22	186:15 190:1 199:11	208:13
fungi [1] 192:13	135:22 161:22 190:19	19:7 20:10 23:22	204:16	healthier [1] 142:12
furthermore [2] 78:22	193:12	38:10 176:1 176:6	guide [1] 10:1	healthy [6] 115:8
178:2	good [47] 4:4	176:12 176:21 177:8	guiding [2] 170:12	183:19 192:18 192:22
future [4] 56:3	8:22 10:14 12:16	177:19	170:21	208:9 211:22
100:1 198:6 199:3	17:8 30:9 36:22	group [93] 29:16	guts [1] 173:23	hear [15] 8:15 10:7
fuzzy [1] 12:15	49:8 64:6 67:19	35:22 36:12 48:20	guy [7] 2:20 56:5	57:21 58:25 72:21
gadgets [1] 55:12	68:13 73:12 75:12	49:2 52:21 69:23	57:5 57:12 89:13	96:25 98:12 125:23
Game [1] 55:7	80:17 82:23 86:2	70:15 71:4 71:6	175:9 188:2	125:24 143:25 159:25
gap [1] 149:23	90:17 103:19 107:10	71:10 71:13 71:18	guys [5] 12:15 106:7	160:2 184:3 190:10
Gary [12] 82:15	109:16 117:2 123:21	72:10 72:19 73:24	131:22 154:14 217:10	190:17
133:20 136:7 136:11	129:17 129:19 130:4	75:4 75:20 75:21	habitat [24] 21:15	heard [25] 35:7
141:3 141:6 141:9	135:11 148:4 148:5	75:25 81:25 86:24	22:25 23:3 29:21	52:2 83:1 90:19
151:1 151:2 155:19	148:6 154:6 155:5	87:7 87:16 87:18	29:23 30:3 30:7	91:8 98:2 98:16
156:12 196:14	155:6 164:20 168:9	87:21 89:19 90:14	30:12 30:12 30:24	108:7 108:10 114:8
Gate [1] 2:24	176:7 178:25 181:5	93:25 96:1 103:22	31:5 31:5 63:19	124:6 134:4 138:3
gee [1] 171:11	184:2 185:19 189:20	103:25 105:13 108:3	84:8 91:25 91:25	138:5 138:20 151:4
general [27] 4:20	191:19 191:23 192:21	108:15 108:24 108:25	148:2 149:22 150:9	154:15 171:19 179:8
23:16 27:11 31:12	205:16 211:10 214:11	109:10 109:13 112:8	150:13 150:18 158:21	182:2 182:19 185:9
32:9 32:17 75:3	217:11	112:18 119:24 123:2	171:10 184:1	185:11 217:6 217:9
80:20 80:21 80:24	Government [2] 152:5 188:24	135:2 148:10 151:5	habitats [4] 29:25	hearing [7] 108:22
92:14 92:18 98:1	governmental [1] 188:23	151:10 153:3 153:16	63:8 148:19 148:23	136:19 171:9 184:25
98:17 106:16 142:9	Governor [3] 11:5	156:3 157:8 165:2	half [4] 57:16 177:12	189:14 189:19 189:19
146:8 187:5 193:4	71:6 128:17	165:11 165:21 165:25	177:13 191:17	heart [3] 90:22 108:18
202:7 205:1 206:6	gown [1] 99:4	166:19 166:19 167:1	Hall [11] 2:7 104:18	117:1
206:8 206:19 206:21	graded [1] 32:13	167:8 168:14 168:16	107:21 109:19 121:21	heartbeat [1] 115:10
207:20 213:18	gradually [1] 157:2	179:7 184:8 184:16	121:22 127:9 127:14	heartburn [1] 126:1
generalized [1] 62:3	Graff [19] 2:21	185:19 186:12 186:13	132:24 133:17 197:11	heartily [2] 167:18
generally [5] 16:1	24:9 24:11 24:15	187:14 195:6 195:14	hand [2] 99:9 152:20	180:8
47:25 98:25 125:1	24:19 58:16 59:7	195:15 195:16 197:10	handle [1] 54:6	heat [1] 172:3
161:16	63:4 86:19 97:24	201:9 201:12 203:23	handled [1] 185:21	heavily [1] 202:14
generate [3] 81:17	98:20 127:10 131:3	206:1 206:1 206:19	hanging [1] 157:21	heavy [1] 192:6
86:9 196:2	133:1 135:4 162:10	207:1 207:2 207:12	Hap [2] 108:23 215:24	held [3] 16:8 70:11
generated [4] 13:5	163:11 164:8 165:13	207:22 209:23 209:24	happening [3] 43:24	164:14
13:11 42:12 201:2	grand [1] 17:4	210:11 210:14 211:8	96:6 119:23	help [13] 34:20 41:21
generating [1] 13:1	granite [1] 32:14	211:9 215:24 216:10	happy [5] 34:22	51:13 65:18 116:1
generic [4] 110:8	granted [1] 45:21	group's [1] 166:17	127:19 135:4 153:2	122:23 133:9 141:17
160:1 160:8 162:10	graphic [1] 17:16	grouping [2] 78:17	216:25	172:22 178:5 184:17
gentleman [1] 202:12	grasp [1] 65:25	groups [34] 75:19	harass [1] 5:7	196:8 197:5
geographic [2] 188:12	grasslands [1] 174:11	76:9 86:5 112:10	hard [13] 8:11 8:16	helped [3] 10:1
194:9	gravel [4] 30:22	127:24 128:1 128:7	20:14 36:8 56:6	98:11 161:4
George [1] 123:15	31:25 32:2 32:5	129:3 129:11 186:23	71:17 127:4 130:23	helpful [11] 5:7
germane [1] 207:23	gravels [1] 30:5	187:2 188:23 189:11	130:25 133:20 167:6	5:23 6:15 121:4
giant [1] 172:13	gravity [1] 62:1	189:12 189:17 190:5	167:8 185:13	135:10 161:5 184:15
gist [1] 185:17	grazing [1] 84:10	190:5 194:9 194:15	harden [1] 39:14	185:20 197:25 208:23
given [7] 8:10	great [15] 41:13	194:15 195:19 197:8	hardening [2] 41:16	214:8
19:12 46:1 66:10	45:22 79:1 100:25	197:16 201:3 201:25	41:19	helping [1] 145:4
78:17 109:2 154:20		211:1 211:16 211:18	hardest [2] 88:24	helps [2] 65:17 66:19
giving [4] 57:23		211:21 213:7 213:8	89:5	herbicides [1] 28:4
		215:23 216:8 216:14	Harmony [1] 115:7	hereby [1] 218:4
		Grove [1] 191:2	Harter [6] 114:10	
		grow [5] 103:13 103:13		

hero [1] 131:19	149:13 159:3 214:24	123:7 138:1 140:8	impressions [1] 106:1	incredible [1] 89:14
hierarchy [1] 146:11	hundreds [3] 82:24	140:20 140:25 146:23	impressive [2] 128:3	incumbent [1] 9:22
high [10] 13:24 14:4	83:4 176:16	185:15	188:16	independent [1] 119:19
17:5 17:7 52:19	hurt [1] 117:8	implement [6] 15:2	impressively [1] 151:18	Indian [2] 114:19
104:23 105:10 111:7	hydraulics [1] 32:25	73:20 158:1 166:20	improper [1] 124:16	114:21
129:16 174:10	hydrographs [1] 17:24	176:24 209:17	improve [2] 83:13	Indians [2] 114:22
higher [4] 37:8	hydrologic [1] 59:16	implementable [2] 166:9 166:9	212:3	115:9
37:8 39:9 121:11	hydrological [1] 192:11	implementation [43] 12:19 13:21 14:15	improved [4] 49:25	indicate [3] 8:1
highlighted [2] 17:19	hydrology [1] 172:11	14:17 14:24 15:22	50:7 63:21 159:9	95:20 166:8
53:22	ice [1] 100:21	16:1 28:23 38:2	improvement [6] 21:12 83:9 135:20	indicated [4] 13:24
highlights [1] 27:7	idea [15] 5:24 24:18	73:11 73:18 83:14	152:11 156:25 183:6	53:3 72:19 75:1
highly [1] 33:8	25:9 25:18 45:6	103:17 105:19 125:7	improvements [5] 38:2 49:19 49:22	indicates [2] 129:15
Hildebrand [16] 2:11	40:11 73:8 108:16	155:3 159:8 162:13	52:16 163:1	157:1
61:2 75:9 81:1	124:5 132:24 177:1	162:16 163:9 163:18	improves [2] 18:17	indicating [18] 10:8
81:23 94:4 96:24	184:14 185:19 186:8	164:3 164:18 165:18	212:4	10:15 17:3 18:23
97:5 99:7 117:1	186:9 215:10 215:14	167:14 167:19 168:14	improving [9] 48:14	19:25 20:14 22:6
140:13 155:10 162:2	ideally [1] 135:20	168:18 168:25 170:7	48:25 49:4 49:13	61:21 79:14 112:22
Hildebrand's [1] 116:18	ideas [6] 70:2 79:3	170:11 170:19 185:3	78:2 99:24 125:12	115:4 115:8 122:13
Hill [1] 175:9	136:23 184:12 209:10	185:4 186:12 195:8	169:6 183:25	123:18 147:2 171:25
hills [4] 172:25 173:1	213:5	200:9 200:20 206:15	in-Delta [7] 19:6	175:4 181:18
173:10 177:9	identical [2] 55:13	210:24 211:17 212:2	20:9 21:8 23:21	indication [2] 82:4
historically [1] 60:4	66:11	212:12	46:7 148:12 149:20	95:6
history [5] 49:9	identification [1] 145:19	implementations [2] 47:25 166:2	inability [1] 32:23	indications [2] 99:20
127:20 131:20 132:2	identified [11] 6:5	implemented [6] 103:24 105:9 131:1	inappropriate [1] 185:15	217:5
208:21	64:23 73:2 76:12	164:5 180:13 207:4	Inaudible [3] 135:8	individual [8] 5:1
hit [1] 154:18	81:3 141:25 143:6	implementing [4] 163:14 165:24 166:15	188:10 202:19	5:2 5:20 69:6
hold [3] 155:12 201:4	143:18 150:23 209:22	170:23	incentive [3] 44:11	69:6 89:19 153:14
201:13	identify [3] 63:14	implication [1] 40:24	44:16 83:8	167:21
holders [1] 177:15	139:13 151:5	implications [1] 160:14	incentives [10] 27:20	individually [3] 70:1 70:13 72:17
holding [2] 187:14	identifying [1] 189:12	implies [2] 40:1	27:23 28:25 43:19	70:1 70:13 72:17
holy [1] 114:25	ignore [2] 78:3	161:13	43:19 62:20 62:23	individuals [1] 181:13
home [2] 116:20	78:7	imply [2] 37:17	62:25 112:3 212:19	industrial [1] 27:19
193:12	ignored [1] 95:5	199:6	include [8] 35:2	industrialized [2] 191:12 191:13
homework [1] 121:15	II [45] 12:14 12:17	implying [1] 41:5	47:21 50:23 51:2	industry [2] 77:25
honest [2] 197:13	12:24 15:19 19:14	importance [2] 6:18	92:9 113:13 155:24	94:10
215:6	47:3 47:6 50:21	143:4	205:19	inefficient [1] 41:7
hope [18] 6:11	52:20 52:24 66:24	important [71] 6:16	included [12] 13:16	inescapable [1] 34:4
26:3 64:13 67:14	74:3 74:6 74:14	6:23 7:12 8:24	28:15 46:22 49:25	inevitable [2] 104:8
69:3 69:24 70:5	80:5 80:9 80:19	9:15 10:22 11:13	50:7 61:10 76:15	106:15
70:5 70:6 87:21	80:23 81:2 90:9	11:13 14:16 17:9	81:8 82:25 148:5	inflow [1] 78:4
90:15 114:5 117:4	90:14 90:23 106:16	17:21 18:6 35:23	199:12 210:16	influence [3] 163:7
129:9 135:24 179:9	107:2 107:4 107:13	42:5 49:1 50:13	includes [8] 34:16	195:16 195:16
187:7 197:19	109:11 110:12 110:23	50:14 51:12 51:15	46:13 61:4 83:4	influences [1] 43:24
hopeful [1] 174:7	135:20 137:12 139:3	51:17 52:5 57:14	83:5 83:6 119:12	information [15] 6:6 14:18 16:16
hopefully [10] 16:18	140:17 140:18 142:2	65:24 68:19 69:11	197:4	46:21 49:9 78:19
72:10 85:6 132:18	145:6 154:21 155:8	69:13 70:19 70:24	including [13] 20:6	79:11 80:15 84:22
134:14 135:15 141:7	158:24 188:6 199:22	71:9 71:22 72:19	28:1 49:20 76:13	110:2 110:17 136:20
141:16 169:5 201:15	200:17 201:22 206:24	74:4 80:3 84:11	85:4 92:9 98:24	171:9 198:21 202:8
hopes [2] 7:5	209:15	88:20 89:18 89:25	123:3 134:20 176:15	informed [2] 138:21
68:23	image [1] 12:6	90:13 109:21 121:1	198:13 198:14 216:9	216:21
horrified [1] 181:2	immediate [1] 50:17	121:7 133:5 137:23	inclusion [1] 78:20	initial [2] 186:23
horse [1] 145:24	impact [12] 18:8	138:24 142:8 143:5	incorporate [6] 21:15	195:21
hot [1] 27:17	24:5 84:21 85:22	143:7 143:8 143:12	31:5 129:9 129:10	initiate [1] 15:20
hour [2] 123:22 218:6	97:9 111:9 113:2	143:15 144:10 144:15	145:14 210:5	initiated [1] 101:19
hours [1] 130:16	122:17 128:5 144:7	145:6 146:5 146:13	increase [10] 45:12	innovative [1] 100:7
housekeeping [1] 4:11	175:18 183:13	146:22 152:13 152:21	78:3 105:1 107:7	input [19] 13:8
houses [1] 128:1	impacts [29] 35:10	167:17 176:21 183:6	144:21 157:2 159:5	13:10 36:11 78:23
Howard [3] 3:13	40:17 53:13 53:17	192:15 195:14 195:19	increased [4] 9:1	107:3 107:3 111:22
110:24 113:21	53:20 53:23 55:14	196:20 197:13 198:13	42:11 110:16 142:11	112:4 117:19 121:3
huge [2] 104:7 112:19	76:19 79:5 80:5	200:3 209:9 212:5	increases [1] 40:2	121:14 154:9 166:18
hundred [4] 33:21	81:13 81:19 81:19	importantly [1] 123:1	increasing [7] 39:16	187:20 187:22 200:25
	84:23 85:12 97:6	impressed [1] 114:11	100:1 100:15 104:25	201:20 208:6 209:23
	97:15 99:1 99:1	impression [1] 64:22	144:19 177:2 206:3	insect [1] 191:24
	99:1 99:6 123:4			

insects [1] 192:2	interpreted [1] 95:18	60:12 61:25 69:7	32:11 33:2 45:13	9:12 9:14 9:15
inside [1] 55:18	interpreting [1] 96:15	73:3 73:6 73:16	46:10 46:14 77:4	9:18 10:21 10:24
insights [1] 71:11	interprets [1] 152:2	73:22 74:19 80:3	77:15 91:20 94:20	11:7 11:9 11:9
instance [1] 214:23	interrelations [3]	80:5 84:25 88:20	94:25 97:10 111:1	11:23 12:6 12:22
instances [1] 69:2	79:5 140:21 140:25	91:11 91:14 92:15	146:15 172:15 173:17	13:3 14:11 14:22
instead [4] 7:10	interrelationships [1]	93:5 93:14 95:12	174:14 178:22 180:21	15:18 16:6 16:15
95:2 97:11 97:12	24:7	95:25 96:3 96:14	181:15 218:2 218:17	18:16 18:22 19:15
institute [2] 141:10	interrupt [1] 136:5	97:6 101:15 102:4	job [10] 50:12 79:1	20:15 20:20 20:21
188:24	intimate [1] 149:6	102:25 109:10 113:20	79:18 103:21 117:2	20:25 21:12 21:17
institutional [10]	introduce [1] 177:3	120:15 127:8 134:24	117:16 131:7 135:11	21:21 22:18 23:4
16:3 67:6 146:9	introduced [2] 142:21	135:21 136:12 142:16	203:17 214:12	24:2 24:25 25:5
163:23 165:12 166:10	182:21	142:18 142:19 142:21	join [1] 7:9	34:22 34:23 44:25
166:21 200:15 200:22	introduction [1]	145:16 149:2 158:5	joined [1] 85:2	54:4 59:23 61:18
209:12	183:15	159:10 163:17 164:1	joke [1] 79:22	61:20 67:6 69:3
institutions [1] 165:4	intrusion [1] 172:21	164:13 165:10 166:12	Jones [2] 98:10	72:22 72:24 73:6
instream [5] 18:9	intuitively [1] 68:3	194:25 196:14 199:19	98:17	73:15 74:6 74:11
30:14 110:20 177:10	invaded [1] 182:25	200:3 201:6 210:15	judgment [1] 155:13	74:21 75:3 76:17
177:20	invasion [1] 182:7	216:4 216:9	judgments [1] 85:4	80:7 80:15 81:12
instructive [1] 198:20	invested [1] 112:13	issues [82]	Judith [8] 2:22	81:14 81:17 81:20
intakes [1] 54:22	investing [1] 213:22	6:24 7:13 8:23	82:8 82:19 104:18	84:13 85:2 85:5
integrate [3] 50:13	investment [4] 44:16	11:10 11:20 11:22	157:5 160:15 210:10	85:16 86:12 98:2
195:13 195:18	55:23 159:4 159:4	14:13 16:3 28:19	214:20	98:22 104:20 110:22
integrated [3] 35:25	invitations [1] 188:17	43:10 43:20 47:5	Judith's [1] 98:21	112:23 113:18 121:11
38:21 93:12	invite [4] 121:2	47:8 50:15 50:19	Judy [2] 46:19 63:5	127:4 130:18 133:5
integrity [11] 20:11	121:15 188:21 189:2	51:17 51:21 52:12	Judy's [2] 52:3	133:14 134:10 135:5
20:21 22:5 23:24	invited [3] 5:16	54:2 54:7 54:19	54:7	136:2 138:16 146:11
28:12 31:22 32:9	188:13 209:25	55:3 55:25 58:1	July [8] 1:14 4:9	148:20 152:17 155:7
32:16 82:13 147:21	involve [5] 83:25	60:7 65:23 70:5	6:22 87:10 114:18	157:21 158:25 160:6
149:8	87:11 175:20 175:22	70:7 70:10 70:12	128:14 202:4 218:5	164:5 164:13 164:22
intend [5] 59:3	208:16	71:19 74:5 74:7	jump [1] 15:17	165:3 167:15 167:17
76:20 86:14 163:6	involved [9] 74:1	74:12 74:15 80:1	jumping [2] 125:4	171:13 187:2 190:9
201:19	105:14 106:2 115:15	80:4 80:19 80:22	161:1	191:14 195:9 198:21
intended [5] 47:10	127:10 175:7 175:10	80:25 81:10 84:4	June [6] 16:9 117:3	198:22 199:21 199:25
71:11 76:9 105:6	202:14 203:4	85:8 88:18 88:19	180:20 202:4 207:13	200:1 205:22 209:17
156:24	involvement [8]	92:22 98:23 100:19	210:11	213:3 213:11
intends [2] 52:12	11:14 73:25 79:2	100:23 101:7 108:18	justification [2]	kinds [26] 20:24
216:12	134:3 186:18 193:4	108:18 110:23 114:2	77:23 137:18	22:15 23:19 55:25
intensive [3] 20:17	194:6 210:1	118:22 129:7 130:3	juvenile [2] 32:7	62:11 74:12 80:25
62:7 128:13	involves [3] 30:10	131:20 132:10 141:11	54:24	81:13 81:16 84:22
intent [5] 79:14	75:25 145:16	143:13 143:21 144:11	K [1] 1:11	101:12 103:9 103:16
89:22 90:24 137:24	involving [1] 116:1	144:23 148:4 148:8	KAMEI [2] 2:18	104:4 108:13 110:19
138:13	irrigate [2] 172:14	148:11 150:22 152:4	87:24	110:20 166:1 168:8
intention [2] 5:1	172:18	153:3 165:11 171:10	keep [20] 22:21	197:7 198:12 200:24
151:7	irrigating [1] 173:8	194:16 194:21 197:7	34:21 70:17 86:14	203:20 209:4 209:16
intentions [1] 5:22	irrigation [3] 2:16	197:24 198:3 210:15	88:4 90:2 105:22	213:1
inter-agency [3]	35:15 96:7	216:12 216:13 216:16	110:11 113:25 118:13	Kings [2] 45:15
11:1 51:20 52:21	island [3] 21:13	item [10] 5:20 36:14	123:23 133:2 137:2	45:17
interest [17] 9:1	33:21 33:22	68:14 69:10 80:21	138:16 138:18 138:25	kit [1] 203:16
24:20 76:1 87:4	islands [2] 22:24	80:21 114:6 126:19	152:22 171:11 177:23	kiwis [3] 191:16
108:3 127:23 128:1	30:11	151:21 181:25	203:24	191:16 191:18
128:7 129:3 129:11	isolate [1] 30:22	items [7] 4:11	keeping [3] 9:20	knew [3] 171:11
147:3 149:21 149:22	isolated [20] 15:15	5:3 5:10 5:13	131:7 131:8	196:18 204:3
190:4 190:5 199:20	23:12 23:15 45:7	10:2 15:16 207:15	keeps [2] 41:23	knowing [2] 70:10
202:7	53:3 53:13 53:24	iterative [1] 145:13	115:10	188:15
interested [6] 70:10	53:25 59:2 59:14	itself [5] 30:10 32:23	KELLEY [1] 46:20	knowledge [3] 6:6
70:14 131:9 177:5	59:19 61:6 67:10	33:19 169:3 209:24	kept [3] 134:11 138:21	171:9 171:14
179:5 203:13	74:10 75:25 96:10	IZMIRIAN [5] 2:14	194:10	known [2] 34:11
interesting [2] 182:9	147:3 147:10 178:18	33:6 155:17 156:8	Kern [3] 3:15 111:12	67:2
202:22	178:21	156:12	181:21	knows [2] 71:4
interests [13] 75:22	issue [72] 11:10	Jack [6] 2:9 60:10	key [14] 19:13 33:16	117:6
107:23 108:7 109:12	16:12 18:3 18:19	202:17 216:21 216:22	46:23 50:15 71:6	Kohler [1] 133:21
127:22 128:4 130:24	19:14 26:20 26:20	216:24	71:11 93:19 112:18	labor [4] 128:6 129:12
141:16 149:20 152:5	43:8 43:14 44:6	jacket [2] 171:23	124:24 126:20 129:17	189:1 194:12
164:19 164:21 188:21	48:4 52:5 52:23	172:3	141:11 150:22 216:16	laboring [1] 10:24
Interior [2] 11:5	53:9 55:20 57:15	James [1] 172:13	kidded [1] 133:23	lack [4] 79:15 100:22
71:6	57:19 58:16 60:11	Jeff [4] 118:2 118:3	kind [108] 5:17	100:22 118:11
internally [1] 48:15		121:16 156:19	7:25 8:2 8:13	laid [3] 12:11 12:20
		Jerry [1] 132:16		71:19
		Jim [2] 128:23 131:17		Lake [3] 173:14 173:18
		Joaquin [25] 30:20		
		31:17 31:20 31:21		

land [65] 9:10 30:19 35:5 35:8 35:9 36:3 36:5 36:7 36:8 48:13 48:17 48:21 48:24 56:8 56:11 57:4 76:23 76:23 80:6 83:12 84:8 90:5 90:20 91:1 91:8 91:9 91:12 91:13 92:15 92:20 93:5 93:19 94:5 94:5 100:16 105:6 113:17 115:8 115:23 123:3 125:11 125:13 125:13 137:24 142:19 142:21 142:24 143:4 143:4 143:8 143:10 143:12 143:20 143:20 143:23 143:23 144:3 144:6 144:6 144:9 144:9 155:24 156:7 191:9 210:15	laying [1] 72:7 lead [4] 15:20 68:18 91:3 203:4 leader [1] 135:5 leaders [1] 213:19 leadership [1] 104:3 League [1] 3:2 learn [2] 63:24 204:1 learning [1] 81:25 least [20] 6:6 18:7 18:8 18:13 48:1 64:17 65:12 100:20 120:21 129:9 157:16 160:14 161:5 177:13 182:4 183:22 198:2 198:23 199:13 215:12 leave [7] 64:21 94:12 101:10 120:13 168:10 193:12 216:22 leaving [1] 170:23 led [2] 15:3 98:6 leery [2] 99:17 100:18 left [3] 148:21 157:20 171:20 legal [3] 67:1 132:10 200:1 legally [1] 200:19 legislative [1] 131:5 legislator [1] 128:25 legislature [2] 128:25 179:19 legitimate [2] 137:22 160:4 legitimately [1] 108:9 lemons [1] 191:20 lend [1] 133:9 length [1] 5:9 less [17] 34:3 35:18 36:5 40:16 40:17 44:17 59:18 92:11 103:4 103:5 115:5 144:7 164:19 184:10 184:19 193:8 197:18 lesser [2] 60:21 128:6 Lester [40] 2:4 42:6 46:3 46:23 66:1 68:4 68:18 68:20 71:19 72:14 75:10 79:18 79:23 81:1 90:18 91:7 94:7 99:3 104:5 106:5 106:7 107:10 109:1 109:17 109:25 118:22 120:7 122:3 127:15 131:25 132:9 139:25 143:14 156:16 160:23 167:25 183:21 188:2 199:17 201:24 letter [4] 79:25 87:17 117:3 182:4 letting [1] 97:12 levee [8] 14:15 28:12 28:20 28:21 28:24 29:2 30:11 31:3	levees [8] 14:16 27:8 29:4 29:5 31:4 32:4 149:8 169:6 level [56] 12:14 12:17 12:18 13:7 13:24 14:4 14:24 24:16 34:20 35:16 37:24 38:14 38:19 39:2 39:9 40:6 40:13 41:14 42:23 59:5 59:8 59:9 60:1 73:11 74:23 76:14 79:9 83:13 84:5 84:7 84:18 104:23 104:25 105:1 105:14 105:17 108:20 109:7 109:13 118:16 137:6 137:8 150:11 159:2 167:19 171:6 171:7 178:3 186:18 194:6 196:10 196:11 206:21 208:13 208:20 212:21 levels [12] 13:21 15:1 15:15 19:18 19:22 24:16 29:5 37:8 37:18 143:17 149:3 161:12 leveraging [1] 195:3 life [6] 55:23 83:22 114:15 114:20 119:15 191:1 light [2] 98:7 136:24 likely [2] 51:1 198:17 likes [1] 14:2 limit [5] 59:1 88:15 89:10 178:18 178:18 limited [1] 176:11 limits [4] 137:14 147:7 159:23 198:5 line [7] 42:15 44:2 67:24 157:12 180:6 199:13 199:14 lines [3] 67:24 93:13 98:5 lingering [1] 90:23 link [1] 212:22 linkage [1] 43:15 linked [1] 163:20 lion's [1] 131:6 list [14] 12:13 57:23 74:13 78:18 80:21 80:22 81:11 81:17 140:10 140:16 144:4 151:6 189:10 194:13 listed [1] 155:11 listen [5] 9:15 40:19 40:23 71:8 147:15 listening [3] 131:8 139:11 139:20 listing [3] 81:17 82:4 140:15 litany [1] 95:9 literally [3] 63:17 82:24 199:19	literature [1] 53:2 live [1] 172:6 lived [1] 114:25 lively [1] 208:8 living [2] 94:13 192:12 load [1] 78:9 loans [1] 213:1 lobbying [2] 130:17 202:14 local [17] 34:24 34:24 35:16 35:23 35:24 38:9 38:20 62:23 93:11 93:21 112:3 188:24 196:10 212:4 214:21 215:1 215:3 locally [1] 212:19 location [4] 18:2 24:4 55:14 55:16 locational [1] 92:9 locations [4] 6:5 22:3 34:3 188:12 locked [2] 68:10 106:25 logging [1] 190:22 logic [1] 124:18 logical [1] 60:24 long-term [10] 8:12 37:17 78:7 149:13 150:3 163:8 166:15 175:24 176:3 179:22 longer [6] 163:12 164:7 175:10 180:5 192:18 192:22 look [67] 7:16 14:23 20:13 21:25 22:17 26:14 35:11 35:15 36:8 53:3 58:18 59:3 59:21 60:2 60:11 60:14 80:2 81:13 89:16 89:20 91:11 91:12 91:25 97:18 99:3 99:5 99:6 103:5 103:9 103:11 104:1 104:11 111:12 112:8 112:24 114:1 114:22 120:6 130:1 133:14 137:13 137:18 142:1 142:15 144:10 144:16 144:17 145:2 145:4 145:5 145:7 146:10 146:20 148:10 149:12 150:5 159:14 159:15 165:2 167:8 167:22 175:15 177:11 184:7 188:22 200:12 208:24 looked [9] 20:3 36:6 101:3 103:12 165:11 165:14 176:19 205:1 214:5 looking [33] 4:15 9:2 15:15 19:4 19:18 20:8 21:10 22:1 25:3 25:25 30:17 33:19 35:9 38:1 39:8 51:25 53:11 57:4 62:11	72:2 74:16 88:24 100:4 104:23 110:18 111:24 130:7 141:23 144:5 146:8 155:3 169:4 188:14 looks [6] 12:16 36:10 72:10 99:21 100:21 203:5 looming [1] 128:10 loop [1] 203:24 Los [3] 174:16 177:14 193:17 lose [1] 182:15 losing [3] 74:16 169:17 192:8 loss [2] 33:18 55:1 losses [1] 64:8 lost [2] 53:17 105:9 lots [4] 49:8 130:5 188:12 191:4 love [1] 178:25 low [5] 14:2 24:21 24:25 25:4 129:17 lower [8] 22:19 24:16 37:17 59:1 59:5 59:8 60:3 137:14 luck [1] 130:22 lucky [1] 129:25 Luis [6] 117:13 172:5 172:9 173:11 173:13 173:17 lunch [8] 4:18 5:24 123:22 126:6 126:8 126:10 141:8 141:12 M [1] 115:25 Maddock [13] 2:12 31:16 32:25 88:12 134:17 139:8 139:10 140:3 153:12 153:17 153:20 157:6 186:22 Madigan [157] 2:2 4:4 7:16 7:20 10:4 10:12 16:23 17:5 25:8 25:12 25:22 27:5 31:15 33:4 34:9 37:3 39:5 40:18 45:5 46:3 46:16 46:19 54:8 56:4 58:7 60:10 61:1 61:17 62:10 63:3 64:11 66:1 66:21 67:17 68:12 70:25 72:13 79:20 82:7 82:19 86:18 86:22 87:7 87:14 87:23 88:11 89:11 90:17 92:13 94:3 96:18 96:21 97:3 97:23 98:19 99:9 101:9 101:22 101:25 102:6 102:11 102:13 102:20 104:17 105:23 106:6 107:18 109:16 109:20 110:24 111:18 112:20 114:4 116:7 116:11 117:25 120:23 121:20 122:11
--	---	---	---	---

BDAC MEETING

Condenselt™

magnitude - models

123:14	126:4	126:18	mandated [1]	119:20	146:5	146:5	146:7	154:14	182:14	204:7	3:10	71:1	72:13
131:2	133:16	134:12	manner [2]	5:11	153:25	155:21	158:6	meeting [39]	1:3		72:20	75:1	76:5
134:23	135:9	136:6	31:11		159:13	165:22	167:22	4:8	5:15	5:25	87:7	98:4	165:13
136:10	136:18	139:6	Mantell [7]	3:10	167:23	167:25	183:13	6:2	6:3	6:22	166:5		
139:9	140:1	140:11	7:4	68:22	186:1	201:9	202:24	8:2	13:17	43:10	micro-flora [1]	192:17	
141:2	151:2	151:11	87:5	87:8	McCreary [7]	136:2		51:20	51:23	56:9	microphone [1]	114:9	
152:24	153:5	153:15	Mantell's [1]	98:4	136:4	136:21	184:10	56:20	57:11	87:9	microscopic [1]		
153:19	153:21	154:2	Manufacturers [1]		186:3	186:7	194:5	87:10	87:12	87:15	192:13		
154:6	154:10	155:9	203:10		McDONALD [1]	3:12		97:7	110:5	122:25	middle [2]	110:23	
155:15	156:15	159:17	map [4]	19:25	McPEAK [14]	2:5		122:25	158:7	159:13	207:14		
160:15	162:1	162:8	22:5	23:14	40:19	41:9	42:2	180:20	187:16	202:12	might [30]	31:10	
164:24	166:5	166:25	MARCIA [1]	3:8	57:13	120:25	151:1	202:21	207:13	207:16	34:2	34:25	38:7
168:12	170:5	170:8	margin [3]	42:10	164:25	165:15	169:25	208:5	208:22	212:7	42:16	82:17	89:20
170:25	171:4	171:17	127:7	127:18	188:8	188:11	195:20	214:9	216:1	217:14	92:8	97:1	100:20
174:3	175:2	180:15	Maricopa [1]	181:20	196:24			218:7	218:9		105:8	105:9	107:24
181:5	181:17	184:5	Marine [1]	55:7	McReynolds [3]	205:12	205:16	meetings [9]	16:8		118:9	139:13	177:2
185:22	186:6	186:14	market [14]	43:16	9:9			16:11	116:22	117:19	180:2	186:25	187:16
186:21	187:9	187:21	43:19	43:23	9:9	9:11	24:13	125:25	171:8	187:14	189:20	191:24	191:25
188:7	189:8	189:22	43:24	44:10	25:9	37:12	43:9	187:18	189:4		193:20	194:9	202:9
193:1	193:3	193:14	45:3	96:1	51:14	56:7	56:14	melled [1]	55:9		204:6	204:22	208:23
193:25	194:2	194:20	96:22	98:24	57:18	60:19	65:18	member [2]	181:21		213:8	213:20	
197:21	199:16	201:23	145:11		65:18	79:24	81:20	205:17			migrated [1]	32:6	
202:17	202:20	207:5	marketable [1]	191:18	82:22	82:24	83:12	members [26]	2:1		mike [12]	3:12	
207:10	210:6	214:11	marketing [5]	191:13	83:18	84:1	88:6	3:1	4:14	4:15	7:8	57:13	69:19
214:16	215:22	216:16	191:17	191:21	89:2	89:6	100:17	4:18	4:20	6:13	75:6	75:7	87:5
216:19	216:23	217:3	192:1		105:18	108:15	130:18	7:24	56:22	67:21	87:14	109:1	109:23
magnitude [3]	94:19		markets [1]	83:11	131:7	135:20	138:12	102:14	117:7	117:17	170:8	193:8	
168:9	205:2		marshes [1]	148:18	143:9	158:22	161:16	118:7	122:12	136:22	miles [1]	174:16	
mailing [1]	122:19		marshland [1]	76:25	162:13	162:18	163:6	137:7	138:6	183:24	Millerton [3]	173:14	
main [10]	28:13		marvelous [1]	131:7	163:12	165:15	183:1	189:23	193:19	193:22	million [3]	60:17	
30:2	30:23	31:19	Mary [13]	3:4	184:22	187:24	196:22	207:22	210:2	210:25	159:3	187:6	
31:20	32:1	32:11	37:3	39:8	198:3	199:6	199:7	memo [2]	71:20		mind [9]	5:18	8:20
54:1	98:10	146:17	66:21	101:22	200:5			75:15			23:9	60:6	62:19
maintained [1]	75:23		108:7	136:6	meaning [4]	15:10		Mendota [13]	95:1		70:17	88:4	164:8
maintaining [1]	76:1		207:10	210:9	82:14	107:3	138:12	172:8	172:10	172:17	170:21		
maintenance [5]	29:2	29:3	207:10	210:9	meaningful [1]	117:5		172:24	173:3	173:6	mine [2]	27:22	195:18
32:3	32:21		Mary's [1]	39:7	means [10]	9:21		174:24	193:23	194:13	mineral [1]	150:14	
major [19]	13:7		mass [1]	128:10	14:22	18:6	19:2	mention [7]	23:25		mines [1]	27:23	
13:20	16:2	21:13	match [2]	14:1	25:14	61:14	99:5	77:13	132:15	133:4	minimal [1]	36:10	
21:18	46:13	72:1	17:16		127:12	127:24	142:7	133:19	133:22	141:13	minimum [1]	38:19	
72:3	72:9	75:25	matches [1]	53:13	meant [3]	9:18		mentioned [10]	38:4		minor [3]	20:4	
86:14	96:9	98:12	matching [4]	133:7	105:5	210:24		51:8	62:15	77:18	191:22	192:3	
128:1	129:6	133:8	134:25	202:15	measurable [1]	118:11		85:5	100:6	131:5	minute [5]	51:22	
176:2	208:4	208:25	material [6]	4:14	measure [19]	72:4		131:13	131:19	186:22	68:23	87:6	90:18
makes [2]	182:24		4:16	16:14	72:4	89:1	128:11	mentioning [1]	104:5		129:22		
183:12			146:3	201:8	129:14	129:21	129:24	Merced [1]	31:21		minutes [4]	5:17	
man [1]	117:6		materials [1]	166:7	130:2	130:6	132:11	mere [1]	163:22		46:21	47:8	199:19
man-made [1]	173:2		matrix [1]	53:17	134:2	139:17	142:25	merely [1]	168:19		mismatch [3]	124:11	
manage [5]	27:20		matter [11]	54:22	143:12	157:14	158:2	merging [1]	110:22		125:22	144:12	
48:18	143:22	144:16	62:2	103:8	158:23	162:7	213:24	Merrill [1]	132:16		Miss [1]	122:13	
183:19			173:24	175:12	measures [14]	13:5		message [5]	69:7		mission [2]	82:14	
management [43]			175:25	176:13	20:24	29:1	37:6	87:24	90:3	90:5	207:20		
14:18	27:21	27:25	179:6		39:22	42:14	96:13	113:19			misspoke [1]	92:7	
28:3	28:5	34:12	matters [1]	132:4	125:7	125:16	132:21	met [11]	81:24	109:6	mitigate [1]	123:7	
42:23	51:3	51:9	MATTHEWS [1]	136:14	133:12	163:4	198:12	109:8	124:15	167:16	mitigated [1]	142:13	
51:14	62:16	62:24	maximum [3]	59:24	198:12			179:2	199:4	202:4	mitigation [4]	120:12	
63:22	64:9	83:6	64:16	64:22	meat [1]	4:12		202:5	207:12	210:11	120:18	120:19	142:13
83:7	83:9	84:9	may [41]	33:12	mechanism [4]	93:11		method [5]	36:9		mixing [1]	19:15	
87:8	103:23	105:3	37:8	38:9	167:11	196:1	196:1	48:18	48:19	177:1	mode [2]	90:20	
105:5	112:16	144:1	45:21	47:13	mechanisms [1]	166:21		214:21			171:12		
145:5	151:10	152:19	48:24	59:24	media [2]	107:11		methods [4]	48:14		model [1]	97:7	
155:18	156:1	156:4	70:7	70:12	129:8			48:25	125:11	194:18	modeling [2]	74:22	
156:9	159:20	160:11	82:20	88:8	meet [8]	22:2	35:21	metrics [1]	113:12		80:14		
160:19	171:7	171:12	128:11	129:21	48:22	121:10	124:16	Metropolitan [1]	2:9		models [2]	80:10	
185:14	208:15	208:19	140:23	141:1				Michael [11]	2:2		81:19		
209:3	209:18	210:20	144:2	145:11									
211:24													
managing [4]	27:16												
28:6	84:10	152:3											

BDAC MEETING

Condenselt™

moderate - now

moderate [2] 15:1 73:9	8:11 12:13 15:6 15:21 18:12 19:14 21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	11:10 26:14 26:16 26:20 30:21 33:7 174:20 192:5	109:6 109:8 112:7 119:25 124:11 124:12 154:20 163:17 163:23 165:15 174:25 176:19 178:21 178:22 179:2 179:3 193:5 197:18 207:3 207:25	nomenclature [1] 138:10
modest [3] 15:1 73:9 157:2	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	nature [2] 117:22 192:19	negative [4] 106:24 142:25 143:3 175:16	non-coastal [1] 78:9
modification [4] 19:18 21:11 23:11 112:9	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	nature's [2] 115:10 115:12	negatives [1] 175:16	non-potable [1] 78:14
modifications [10] 15:12 15:14 20:4 20:4 26:16 57:1 57:10 111:24 163:24 201:14	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	naught [1] 169:18	negotiate [1] 130:23	none [6] 10:2 66:6 66:8 127:23 216:17 216:18
modify [3] 43:18 63:24 66:8	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	near [2] 56:2 198:6	negotiated [2] 128:15 133:23	nonetheless [1] 8:7
modifying [2] 66:15 66:17	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	nearly [1] 4:5	negotiating [1] 130:16	nonnegotiable [1] 152:15
moment [3] 15:17 20:13 51:8	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	necessarily [6] 82:23 98:19 122:5 130:5 163:16 165:20	negotiation [3] 131:1 131:10 196:12	nonstructural [1] 146:9
moments [1] 127:19	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	negotiations [3] 128:13 132:1 195:22	noon [3] 4:20 126:14 216:2
momentum [3] 112:13 165:7 165:18	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	negotiators [2] 134:9 196:16	nor [2] 107:25 217:5
money [10] 72:6 117:10 117:10 117:10 134:25 152:5 157:11 165:24 174:22 202:9	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	neither [2] 107:25 172:22	normal [2] 176:5 191:18
monies [7] 141:19 141:22 141:24 141:24 202:15 202:16 202:24	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	Nelson's [3] 88:14 108:5 124:1	north [6] 28:25 45:9 46:7 46:8 91:23 183:1
monitor [2] 14:18 123:7	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	NEPA [3] 81:12 86:15 86:16	Northern [5] 3:3 3:12 106:20 118:4 121:4
monitoring [14] 33:15 49:3 49:7 49:10 49:12 59:21 63:9 63:12 63:14 63:23 63:25 64:7 64:9 165:4	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	NEPA/CEQA [1] 199:24	note [9] 30:25 57:21 75:10 99:19 123:15 130:15 147:1 151:21 152:17
monolithic [1] 127:24	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	nerd [1] 86:15	notes [7] 17:6 17:8 135:23 184:7 210:13 218:6 218:8
months [9] 47:17 52:21 72:12 128:9 128:22 159:14 205:25 205:25 209:19	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	network [2] 122:17 134:19	noteworthy [1] 152:9
morning [6] 4:4 74:5 126:25 142:19 159:11 184:12	21:25 44:15 66:10 66:11 66:17 66:24 67:12 68:11 68:14 72:12 85:25 87:13 88:3 100:3 105:21 111:23 121:12 142:8 170:16 177:16 178:13 186:9 187:8 199:22 200:20 200:22 206:6	need [118] 13:25 14:3 18:6 18:9 21:25 30:15 30:15 34:21 37:23 38:15 38:18 38:25 39:16 40:2 42:7 42:18 44:1 44:21 44:23 45:3 47:5 47:11 47:14 47:20 48:6 49:15 50:12 50:20 50:25 51:2 51:5 52:17 58:2 59:21 62:6 65:9 65:11 65:12 66:5 69:10 70:16 74:2 74:7 74:11 74:12 74:21 80:19 80:22 81:4 82:1 82:21 83:17 85:17 85:19 89:2 90:13 96:12 97:12 101:7 104:2 108:4 108:8 108:11 108:13 108:17 109:11 109:17 113:22 113:25 118:19 119:6 119:14 119:16 119:17 120:2 121:19 123:6 125:22 138:6 138:11 138:12 138:16 138:24 142:1 144:8 144:17 145:14 145:20 145:23 146:20 147:15 148:22 150:12 153:25 159:23 167:1 167:11 174:5 174:21 174:23 175:13 177:6 177:11 178:5 178:15 179:14 183:24 184:18 185:2 190:3 195:7 195:8 200:12 203:7 212:14 213:8 215:4	never [7] 23:9 34:6 96:25 154:14 179:18 187:21 193:13	nothing [4] 106:23 115:5 173:25 205:3
mortality [1] 55:2	21:25 44:15 66:10 66:11 66:17 66:24 			

BDAC MEETING

Condenselt™

NRDC - particular

205:4 208:6 209:23	officials [1]	188:25	54:12 61:9 61:13	orienting [1]	87:22	p.m [2]	126:15 217:14
210:18 216:22	offstream [1]	177:9	81:14 103:20 204:20	origin [3]	50:25	p.m. [1]	126:16
NRDC [3]	often [3] 8:7	161:9	operation [3]	179:13 179:23		pace [1]	138:19
152:2 152:15	172:20		59:15 190:13	original [2]	104:20	pack [1]	193:8
nuances [1]	old [2] 14:25	47:16	operational [3]	148:21		package [8]	50:23
number [37]	oldie [1] 9:25		76:2 169:4	otherwise [5]	83:18	53:16	128:2 131:22
24:22 29:21 34:2	on-site [1]	27:23	operations [1]	90:10 95:1 184:19		151:17	164:5 179:19
46:25 47:22 56:8	once [7] 73:19	128:10	opinion [4]	199:6		199:12	
56:15 58:19 59:10	131:1 134:8	163:13	80:9 97:25 117:3	Ottowaller [3]	123:21	packages [1]	164:4
63:6 68:14 70:7	204:20 214:16		opinions [2]	123:24 144:11		packaging [1]	18:16
89:10 95:5 118:21	one [133] 9:14	10:15	210:3	ought [11]	7:13	packet [13]	13:16
124:3 126:8 130:3	12:9 13:17	14:2	opportunities [14]	68:1 69:4 88:18		17:20	37:5 46:22
132:23 134:20 137:3	14:12 16:2	17:22	23:19 31:4 33:20	90:25 108:25 147:25		47:4	47:7 47:19
137:20 137:22 156:8	17:22 19:1	19:1	38:11 39:15 44:15	168:7 168:10 199:13		56:12	56:24 56:25
158:13 159:10 176:11	19:24 19:25	21:17	44:18 45:9 45:22	215:8		75:10	115:14 125:5
181:25 188:16 194:8	22:23 24:9	30:25	46:12 46:14 49:20	ourselves [3]	68:1	page [7]	37:7 39:8
194:15 194:22 196:20	31:19 31:24	34:15	144:20 149:15	68:7 166:4		39:14	40:12 42:25
205:8 205:23 212:6	35:4 36:14	37:14	opportunity [13]	Outcomes [1]	46:23	43:8	180:20
numbers [4]	37:18 37:22	41:16	5:2 14:14 39:12	outdoor [1]	96:7	paid [1]	71:14
114:2 125:18 205:5	43:9 44:25	45:6	43:1 45:12 45:14	outflow [2]	26:21	painful [1]	13:1
nutshell [1]	49:23 51:10	52:23	46:2 53:20 99:13	160:5		paired [1]	19:11
o'clock [2]	54:20 54:21	55:24	101:6 107:6 107:10	outline [3]	168:19	paper [4]	125:23
217:14	57:25 57:25	58:2	161:19	169:10 207:17		125:24	126:1 203:8
object [2]	58:11 59:7	60:3	oppose [1]	outlining [1]	81:7	papers [1]	132:22
162:4	60:12 64:14	66:5	opposed [4]	186:19 187:6 188:19		paradigm [1]	103:20
objection [2]	66:12 66:22	69:9	110:3 175:17 196:5	193:4 194:18		paragraph [1]	130:1
154:7	72:17 75:20	80:16	opposing [1]	190:4		parallel [8]	16:13
objections [1]	84:3 88:20	90:1	opposition [2]	190:4		85:6 85:7	99:24
objective [4]	90:19 91:6	92:17	129:18	188:4		99:25	187:3 199:21
124:9	92:21 98:4	99:19	optimism [1]	32:1		200:17	
124:13 124:15 124:16	101:17 102:21	106:25	8:3	over-reliance [1]		paralleled [1]	67:5
objectives [25]	110:8 110:11	110:13	19:12	142:23		paralysis [1]	171:15
35:23 48:22 118:12	111:14 111:22	112:1	19:15 76:10	overall [11]	41:19	paranoia [1]	124:6
119:6 119:20 120:1	112:11 116:16	116:17	option [1]	48:18 56:1 75:2		parcels [1]	177:16
121:5 124:19 145:22	116:17 117:9	118:22	options [10]	136:21 157:10 185:18		parenthetically [2]	106:14 106:23
145:23 156:20 157:17	119:19 120:8	120:8	12:5	204:5 204:22 207:25		parity [1]	185:5
157:19 158:8 158:10	123:11 124:8	126:2	34:17	216:8		part [54]	32:21 32:22
158:12 158:14 158:17	127:19 133:4	134:21	35:11 45:8 68:11	overdrawn [1]	176:13	34:15	36:13 40:20
158:23 159:9 159:9	135:10 135:15	139:10	76:6 145:5	overestimates [1]		42:18	44:8 47:17
159:13 167:20 207:21	140:9 142:1	142:7	oranges [1]	146:16		50:5	50:18 50:18
obligation [1]	144:22 145:4	145:16	191:20	overheads [3]	10:1	50:21	50:24 59:2
observations [1]	147:13 149:18	150:7	order [13]	69:1 205:11		62:21	64:18 67:15
127:11	153:11 157:7	157:17	78:11 92:11 94:15	overlap [1]	31:8	69:13	71:10 81:23
observed [1]	158:6 159:5	162:5	104:9 104:25 105:15	overlay [1]	168:11	87:20	93:11 93:15
observing [1]	162:12 164:13	167:22	126:19 128:1 191:17	overlooked [3]	76:20	97:8	104:19 119:17
obvious [3]	170:17 170:19	170:19	200:12 212:13 213:9	140:22 140:24		124:2	134:2 142:8
66:24 67:2	170:20 170:23	175:23	orders [4]	overly [1]	49:12	143:10	143:15 143:25
obviously [5]	177:14 178:17	179:6	191:21 191:23 205:2	overlying [2]	176:12	144:3	146:13 152:16
71:15	181:3 182:3	183:15	ordinance [1]	176:17		153:8	155:2 155:21
89:15 144:13 155:5	186:10 186:13	188:2	ordinances [2]	overriding [1]	169:13	163:10	163:18 163:21
166:7	196:15 196:16	197:15	96:9	overseeing [1]	166:1	165:1	165:8 165:17
occur [1]	197:15 197:24	198:10	ordinary [1]	oversees [1]	169:9	166:4	166:9 167:12
occurred [1]	199:23 200:11	202:23	organ [5]	oversight [3]	165:3	167:12	179:19 186:23
occurring [3]	203:14 208:12	208:17	190:9 191:11 192:3	166:3 167:15		190:14	195:21 202:22
212:23 213:2	213:10 214:2		192:14	overview [3]	7:20	204:24	
occurs [1]	ones [5]	14:16 54:7	organisms [2]	7:25 198:25		participants [4]	47:9
ocean [3]	121:7 137:23	162:17	192:13	own [6]	71:15 83:22	48:6	48:17 209:25
26:10 176:5	ongoing [4]	50:9	organization [4]	83:22 107:5 159:21		participate [1]	121:16
off [19]	67:14 165:3	195:7	6:15 61:19 89:20	197:1		participated [1]	189:12
22:20 41:20 45:10	oOo [2]	3:16 217:15	197:2	owners [2]	177:13	participating [3]	8:4 113:23 179:10
63:17 64:3 81:6	open [9]	11:24 43:19	organization's [1]	177:16		particular [23]	7:14
86:15 109:21 113:10	68:10 149:14	150:8	159:21	ownership [1]	177:12	29:16	47:1 49:24
113:11 129:2 141:12	151:19 189:3	196:11	organizations [5]	oxygen [1]	192:15	58:11	60:1 64:1
143:8 147:14 158:9	196:13		70:1 98:11 106:3			98:23	99:4 109:10
167:17 172:10	opening [1]	130:1	165:22 189:1			110:19	114:6 131:13
Off-the-record [3]	operate [2]	15:7	organized [2]				
106:10 160:25 170:3	176:18		129:18				
official [4]	operated [2]	61:14	orientation [1]				
3:10 13:13 31:11	113:7		oriented [2]				
	operating [7]	19:16	115:25				

BDAC MEETING

CondenseIt™

particularly - precise

133:2 137:17 145:10	112:4 115:15 116:1	193:6 193:7 193:16	36:4 38:20 39:3	78:23 79:8 103:9
147:22 148:12 155:1	116:15 116:25 126:12	194:1	44:4 44:11 44:19	138:14 138:16 138:19
160:12 168:1 171:19	131:7 131:11 133:19	phase [72]	51:1 75:3 83:10	138:22 185:20 197:24
209:17	134:9 139:11 159:10	7:5 9:24 10:20	95:24 113:7 128:12	political [2] 59:10
particularly [12]	167:5 168:22 176:17	11:6 12:11 12:12	156:6 165:5 165:23	108:19
18:4 30:8 47:19	177:12 177:13 178:13	12:14 12:17 12:18	204:7 204:21 211:18	polling [1] 129:15
87:10 92:24 128:13	180:7 182:17 184:3	12:23 12:24 15:19	214:8 214:21	pollsters [1] 129:22
146:22 148:6 162:17	187:7 187:20 188:15	15:19 16:12 16:19	places [1] 68:6	pollution [2] 27:24
173:2 187:1 201:3	188:16 191:24 191:25	19:14 47:3 47:6	plan [18] 40:8 40:10	77:13
parties [7]	194:16 197:13 206:14	48:2 48:2 50:21	41:11 41:12 48:3	pool [9] 61:5 61:12
120:9 126:20 131:9	209:24 213:15 213:17	52:19 52:24 66:24	61:9 61:13 61:15	75:24 172:8 172:10
163:22 204:5 204:6	215:20 217:6	74:3 74:6 74:14	78:3 93:12 95:15	172:17 173:3 173:6
partner [1] 212:12	per [6] 24:11 54:21	74:22 80:5 80:9	119:17 177:22 196:23	182:11
partnership [1] 115:7	65:2 65:16 78:4	80:19 80:23 81:2	197:6 205:24 206:22	poor [1] 32:21
partridge [1] 58:11	176:14	81:3 81:8 87:13	207:21	population [4] 78:5
parts [7] 19:19 35:1	perceived [1] 108:6	90:9 90:11 90:14	plane [1] 134:8	78:6 81:20 174:23
37:21 110:6 111:10	percent [9] 159:5	90:23 102:23 106:16	planned [1] 86:3	populations [1] 183:20
149:14 172:25	171:10 171:10 177:15	107:2 107:4 107:13	planning [10] 35:25	PORTALE [5] 1:20
party [7] 35:10 97:5	178:1 205:6 205:7	109:11 110:12 110:23	38:21 39:21 48:1	1:23 218:3 218:22
97:9 97:15 99:1	205:19 205:19	135:20 137:11 138:2	62:25 78:6 83:8	218:24
111:2 216:22	percentages [1] 205:21	139:3 139:12 140:17	112:14 162:14 186:12	portion [4] 59:20
pass [5] 102:3 127:16	perceptions [1] 79:3	140:18 140:18 142:2	plans [3] 28:3	61:8 182:1 208:4
130:22 160:17 160:22	perfectly [1] 153:2	145:6 150:3 154:20	28:18 62:24	portions [2] 75:15
passage [3] 8:14	perform [1] 110:13	155:8 158:24 188:6	plants [6] 52:16	150:16
128:11 129:19	performance [4] 13:5 121:6 121:10	189:21 190:19 198:19	53:5 53:14 124:21	position [3] 147:14
passed [3] 127:6	158:23	199:22 200:17 201:22	172:20 179:3	149:17 159:22
128:16 130:17	performed [1] 13:14	206:24 209:15	play [1] 213:8	positions [1] 147:14
passes [1] 132:11	performing [1] 14:2	phased [3] 84:12	played [1] 190:14	positive [2] 175:21
passing [1] 151:9	performs [1] 152:6	155:3 167:19	plays [1] 45:2	177:1
passion [1] 122:24	perhaps [27] 11:13	phases [2] 111:23	pleased [1] 31:12	possibilities [1] 150:8
past [11] 11:12 42:9	35:15 38:1 40:20	158:6	pleasure [1] 136:17	possibility [1] 37:8
101:21 123:22 161:6	42:6 43:11 50:19	phasing [3] 47:23	plenty [1] 91:24	possible [14] 5:8
161:15 161:18 161:21	59:19 60:14 89:5	48:3 51:7	plug [1] 132:5	6:7 7:3 34:16
172:19 173:21 198:10	92:10 121:9 127:2	phenomenal [1] 183:17	plumbing [1] 108:18	34:17 36:20 45:18
path [4] 86:6 86:11	131:25 141:20 144:7	philosophical [5] 25:25 39:13 39:18	pockets [1] 20:16	55:13 70:4 70:8
86:13 156:25	144:21 147:17 150:2	40:11 42:22	point [61] 8:1	75:18 158:18 214:3
paths [2] 85:6	159:12 183:12 184:19	philosophy [4] 26:13	8:10 10:20 29:15	214:4
199:21	186:24 187:5 187:17	42:4 103:9 151:24	36:7 36:22 39:18	possibly [2] 101:2
patterns [3] 15:11	189:1 204:1	Phipps [6] 118:2	40:4 41:24 42:9	111:12
20:1 35:17	period [8] 5:15	118:3 120:25 121:16	42:14 48:16 49:11	poster [1] 115:3
Patterson [4] 3:6	6:1 56:19 102:7	121:23 156:19	50:20 52:7 62:14	posture [1] 189:7
7:4 68:22 69:17	129:4 150:8 164:7	phonetic [2] 131:16	62:18 62:21 65:9	pot [1] 141:23
Patterson's [1] 116:17	208:21	phrase [2] 46:11	66:5 67:20 68:19	potable [2] 78:13
pause [1] 16:21	periods [4] 30:15	125:5	70:21 70:24 72:1	78:14
pay [7] 9:4 41:25	33:17 63:14 176:3	physical [6] 54:20	84:14 85:15 88:24	potential [11] 49:3
111:15 157:25 196:2	Peripheral [2] 62:2	55:16 59:24 75:22	95:4 99:2 104:5	49:13 50:2 51:10
196:3 206:14	106:19	168:19 169:4	108:23 118:10 121:3	69:22 77:7 110:15
paying [3] 23:7	permanent [13] 48:13	piano [2] 17:3	121:24 124:23 124:24	146:19 146:23 148:2
95:13 206:9	48:24 93:8 93:10	17:4	131:23 133:25 136:3	197:15
payments [3] 178:3	93:19 93:22 94:5	pick [3] 59:9 118:24	136:3 139:10 146:1	pounds [1] 172:23
206:11 206:11	125:11 143:10 143:12	151:13	146:17 146:25 147:1	poured [1] 117:1
pays [2] 120:20 195:23	143:20 144:2 156:6	picked [5] 17:16	149:5 159:1 159:6	pouring [1] 81:20
PCL [1] 132:16	person [4] 65:24	24:24 58:19 114:20	167:13 167:22 167:25	power [6] 3:12
peak [1] 60:15	108:24 177:2 205:20	115:3	171:14 171:15 189:16	8:14 118:4 120:11
peaks [1] 191:20	personal [2] 130:15	picking [1] 71:22	196:4 198:11 203:3	121:5 166:10
peat [1] 150:1	197:1	picture [2] 34:18	208:6 209:7 209:14	practical [4] 170:19
people [66] 8:4	perspective [7] 72:23	89:21	pointed [7] 36:21	171:13 184:14 186:8
8:6 8:8 8:16	127:2 132:12 135:6	piece [1] 12:7	48:17 52:11 138:13	practically [1] 45:8
8:22 9:4 9:9	164:23 198:1 198:22	Pine [3] 45:16 45:17	167:7 211:8 213:16	practices [7] 103:24
9:16 11:25 13:23	perspectives [2] 209:9 210:3	45:18	pointing [1] 104:24	104:4 104:6 160:6
36:21 44:11 47:2	pertinent [1] 191:21	Pinoche [3] 172:25	points [4] 13:2	192:22 210:20 211:24
49:10 50:16 51:24	pesticides [1] 28:4	173:1 173:10	33:22 34:2 121:22	praising [1] 98:9
61:19 69:8 74:16	Petry [14] 116:13	pits [2] 30:22 32:4	policies [2] 79:11	pre-disturbance [1] 208:14
75:5 90:16 91:12	116:14 116:14 117:25	pivotal [2] 99:15	93:17	precise [1] 205:8
92:18 94:16 95:1	122:24 171:22 171:23	101:7	policy [19] 9:2	
101:1 101:2 106:18	172:2 174:5 175:2	place [21] 26:17	9:5 9:6 9:8	
109:10 109:12 110:7			9:20 43:12 55:3	
			55:10 77:19 78:16	

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CondenseIt™

preclude - putting

preclude [1] 168:2	priorities [6] 48:5	product [1] 201:2	162:16 162:16 167:16	71:11 75:21 78:8
precludes [1] 160:20	48:7 48:10 51:6	productive [1] 91:13	168:20 168:23 175:20	79:3 104:3 104:10
prefer [2] 57:21	52:6 77:17	productivity [2] 32:18 63:13	184:11 184:14 184:17	109:12 110:9 118:6
86:17	Prioritization [1] 28:23	program [153] 8:25	184:20 184:23 185:4	156:24 198:10 198:25
preference [2] 195:22	prioritize [1] 119:7	9:2 9:16 9:19	185:5 185:19 186:8	200:22 212:4
197:2	priority [2] 14:14	10:16 11:17 12:5	202:24 203:1 203:20	provided [1] 168:11
preferred [4] 12:4	52:19	12:11 12:14 12:17	211:6 211:19 212:20	provides [2] 72:11
37:10 200:13 200:18	privilege [1] 123:11	12:19 13:24 14:3	213:22	108:19
preliminaries [1] 128:18	pro-active [1] 189:17	14:9 14:12 14:15	progress [4] 7:21	providing [7] 18:9
preliminary [5] 12:22	problem [19] 12:7	14:19 14:25 15:4	56:2 75:13 78:16	29:6 30:7 83:8
13:4 50:3 204:19	12:12 12:21 13:2	18:25 19:23 20:11	progressive [1] 100:7	86:11 121:3 146:6
210:12	27:15 33:9 34:7	20:12 20:15 20:22	prohibited [1] 12:5	public [50] 4:20
premature [2] 166:23	40:21 61:2 77:14	22:3 22:4 23:8	prohibitive [1] 178:4	4:23 5:2 5:15
209:13	94:14 120:14 127:5	23:23 27:11 27:12	project [11] 12:18	5:25 10:25 13:8
premise [1] 184:22	143:11 157:4 180:23	28:10 28:12 29:12	64:10 65:19 65:20	16:8 57:11 67:21
preparation [2] 28:18	181:14 182:16 191:5	29:17 29:18 29:23	66:18 84:16 84:21	71:9 73:25 79:1
29:4	problematic [1] 101:3	31:2 31:8 31:13	181:24 182:12 187:22	83:21 87:11 102:7
prepared [2] 17:12	problematical [1] 36:2	33:8 34:16 35:20	188:4	102:15 106:16 107:3
48:3	problems [20] 12:2	37:2 37:11 47:24	projected [1] 25:16	107:3 107:7 111:22
preparing [1] 28:2	31:19 73:1 74:17	48:23 49:23 50:1	projections [2] 198:17	114:5 129:16 130:7
prescribes [1] 122:6	104:15 111:15 117:10	50:8 51:3 52:12	199:1	130:9 133:11 141:19
prescriptive [1] 208:18	117:23 124:8 125:24	56:1 62:16 62:19	projects [9] 28:22	141:22 151:14 186:18
present [4] 4:1	143:19 152:6 158:9	62:22 63:21 72:7	28:24 32:2 47:24	187:22 189:13 193:4
55:4 74:13 87:15	164:12 174:6 176:8	73:2 73:7 73:7	47:25 50:10 66:16	194:6 194:13 195:14
presentation [2] 52:3 210:21	176:9 176:15 176:23	77:11 82:13 82:14	142:13 147:12	201:5 201:6 201:20
presentations [3] 138:14 189:10 189:17	procedure [1] 81:14	82:17 83:2 83:3	prolonged [1] 94:10	204:24 210:2 213:18
presented [7] 54:5	proceed [4] 73:13	84:12 84:23 87:14	promise [2] 11:24	213:25 214:1 214:2
54:7 57:10 126:22	87:25 138:15 155:4	90:21 91:17 92:8	154:15	214:7 214:7 216:20
153:7 203:9 205:5	proceeding [1] 203:23	92:24 93:9 93:9	promising [3] 180:22	217:3
presenting [1] 215:21	proceedings [4] 1:8	93:15 93:19 93:20	181:8 181:10	publics [1] 74:1
presently [1] 54:12	4:1 126:16 218:12	94:1 94:6 96:2	prompt [1] 4:6	published [1] 62:3
preserve [2] 31:5	proceeds [1] 157:3	96:17 97:20 98:5	promptly [1] 4:19	pull [1] 172:16
61:16	process [78] 6:21	98:14 100:8 101:10	proper [5] 74:2	pulled [1] 184:13
preserves [1] 61:4	7:20 8:1 8:6	106:13 107:7 107:11	84:18 111:2 149:3	pumped [1] 45:24
preserving [3] 75:20	9:12 10:1 11:24	107:25 108:6 108:8	200:24	pumping [5] 52:16
75:22 76:2	12:20 13:10 13:13	109:14 110:9 113:13	properly [2] 101:17	53:4 53:5 172:19
pressing [1] 185:13	13:23 15:20 16:12	113:16 119:1 119:3	101:19	pumps [4] 20:5
presume [1] 77:21	16:14 16:16 16:22	122:4 122:16 122:17	proposal [4] 21:19	20:6 64:3 116:2
pretend [1] 79:12	21:17 21:19 35:6	124:10 141:20 142:4	133:8 200:21 213:6	purchase [1] 146:15
pretty [16] 4:19	57:14 67:3 68:15	142:22 145:21 148:3	proposals [3] 62:5	purchased [1] 77:5
25:4 29:7 88:13	69:5 69:20 70:3	148:15 149:1 149:11	62:8 208:12	purifying [1] 192:19
93:6 123:9 129:19	70:18 70:20 83:20	150:19 153:25 154:23	propose [2] 121:8	purpose [2] 5:21
130:19 133:21 164:15	84:13 85:10 85:18	154:24 158:7 158:20	168:23	162:5
165:19 168:9 189:9	86:4 86:9 86:15	159:16 161:3 162:12	proposed [5] 52:13	purposes [7] 33:23
192:3 192:23 198:19	87:20 88:23 89:15	162:12 162:15 162:19	77:3 97:7 207:17	36:23 77:23 78:14
prevalent [1] 94:7	89:22 90:9 90:25	162:24 163:13 164:15	208:9	123:4 146:10 198:16
previously [3] 34:11	98:14 98:15 100:5	164:17 167:13 168:17	proposes [2] 52:15	pursue [3] 62:23
77:18 126:22	104:10 107:1 111:5	168:19 169:5 169:16	168:19	102:23 189:7
price [4] 41:25 145:9	112:5 112:23 112:24	176:24 178:16 180:8	proposing [1] 63:20	pursued [1] 65:9
145:11 145:12	113:5 114:1 118:10	180:21 184:18 184:25	proposition [1] 134:19	pursuing [1] 112:11
pricing [2] 145:5	123:8 123:10 127:11	185:8 185:18 186:25	pros [3] 79:8 140:16	purview [1] 210:14
213:6	134:14 137:9 141:7	189:3 200:6 201:11	140:20	push [1] 158:1
primarily [4] 79:2	142:2 145:14 151:19	204:5 207:17 207:21	prospect [1] 203:2	put [29] 13:3 17:8
156:19 204:25 211:9	151:23 152:8 152:9	209:5 209:11 210:24	prospective [1] 207:4	38:13 38:16 39:7
primary [1] 151:23	152:16 152:20 154:25	213:11 214:6	prospects [1] 129:18	41:16 43:3 68:6
principle [3] 120:13	157:3 168:10 168:22	programmatics [9] 74:22 76:17 81:25	protect [1] 160:4	69:23 79:21 85:23
170:12 170:21	179:20 189:13 192:19	84:20 85:1 85:4	protected [1] 197:18	86:2 115:5 116:16
principles [11] 13:5	199:24 199:25 200:5	88:4 209:4 209:16	protecting [1] 159:22	116:17 144:8 151:7
120:7 120:8 139:14	201:1 203:20	programs [59] 14:21	protection [3] 2:15	151:7 156:6 157:19
139:14 139:17 139:21	processes [3] 32:20	15:2 19:8 19:8	27:25 28:24	161:19 173:16 177:23
140:4 140:5 147:25	83:21 148:9	19:20 23:24 24:1	protections [1] 111:2	177:24 179:19 180:6
157:7	produce [2] 24:6	27:7 27:18 29:8	proven [2] 49:11	182:12 198:22 201:4
	199:25	31:2 31:3 31:17	64:19	puts [1] 55:22
	produced [2] 13:15	34:11 34:13 35:14	provide [21] 5:1	putting [9] 17:13
	164:15	47:10 47:12 47:21	7:7 11:2 20:5	44:4 53:15 72:9
	produces [1] 110:15	50:9 73:10 73:18	27:24 28:25 70:20	81:6 85:21 128:20
		73:20 85:12 99:4		147:7 177:21
		118:22 138:8 147:20		
		147:21 155:11 156:17		
		156:20 157:16 161:12		
		161:14 161:20 161:25		

puzzled [1] 86:19	quote [3] 77:10	reality [1] 101:2	recently [4] 151:25	162:12 180:20
Pyle [9] 3:15 54:9	77:12 208:13	realize [1] 26:1	152:3 164:12 182:23	refine [4] 200:5
112:21 168:13 169:22	Raab [11] 2:13	realized [1] 215:17	recess [1] 126:14	200:6 201:20 209:20
171:3 214:14 214:18	61:24 104:18 105:25	reallocated [1] 77:22	recessed [1] 217:14	refined [3] 13:11
215:7	106:12 108:10 171:2	reallocation [2] 123:4	recipe [1] 193:15	15:25 200:19
qualifications [1] 125:2	171:5 186:22 188:14	162:4	reclamation [5] 3:7	refinement [9] 13:9
qualified [1] 194:7	radio [1] 129:8	really [108] 6:23	28:18 37:9 37:18	15:24 38:2 85:5
qualify [1] 202:25	raise [4] 84:25 113:16	6:23 8:24 9:4	39:10	85:10 86:4 88:6
qualities [1] 28:9	146:1 178:17	9:7 9:9 22:14	recognition [4] 76:22	200:4 201:1
quality [51] 13:25	raised [11] 6:24	24:24 25:24 39:6	113:17 113:22 140:19	refining [2] 17:12
14:3 14:4 14:5	62:5 79:25 85:11	42:17 43:20 49:11	recognize [5] 69:22	86:6
20:12 20:24 22:5	95:4 121:23 137:23	52:4 60:6 67:2	70:6 84:12 117:8	reflect [6] 31:6
23:24 25:7 27:8	157:5 157:6 165:10	68:18 69:24 71:21	129:21	71:18 87:3 136:20
27:11 28:11 31:6	182:3	71:25 72:1 72:9	recognized [1] 182:25	172:6 211:25
36:4 51:3 60:7	raises [2] 80:4	75:13 75:16 76:7	recognizing [3] 11:15	reflected [2] 72:10
78:13 80:18 81:19	80:22	79:13 83:11 84:1	112:25 153:7	90:16
83:13 92:20 99:25	raising [4] 42:17	84:2 85:19 88:1	recommend [2] 122:22	reflection [2] 86:24
100:9 100:25 106:22	45:13 85:9 171:9	88:2 88:15 88:25	147:9	153:16
117:14 117:21 118:16	ran [1] 176:14	89:25 103:5 104:20	recommendation [3] 57:9 62:15 62:18	reflects [4] 21:18
124:19 125:6 139:16	Randy [1] 131:16	105:6 105:11 105:14	69:24 147:24 148:2	153:18 172:7 208:1
139:18 143:13 159:3	range [21] 20:8	109:11 112:14 113:25	153:9 203:14 212:6	refuges [1] 36:23
159:5 170:15 172:7	22:18 22:19 23:16	118:15 118:16 119:4	recommended [1] 212:16	regard [11] 37:5
173:7 174:10 191:8	28:1 28:6 29:21	128:4 128:10 128:14	recommending [1] 57:16	101:23 102:3 102:24
192:8 192:24 195:11	53:11 59:2 60:17	128:21 129:13 132:8	reconciling [1] 150:15	103:2 103:17 103:23
207:20 216:4 216:9	64:18 72:23 72:25	132:11 134:4 134:10	reconfiguration [1] 21:14	104:1 104:4 162:7
216:9 216:10 216:11	88:4 88:12 89:8	138:7 140:5 140:5	22:24	207:23
216:13 218:21	105:18 121:9 166:23	145:14 148:15 148:20	reconfiguring [1] 22:24	regarding [9] 56:1
quantifiable [2] 118:11 202:8	179:25 189:15	148:24 149:1 154:20	reconstruct [1] 30:21	78:23 79:5 105:17
quantification [2] 159:8 159:9	ranges [2] 21:10	154:22 156:22 157:9	record [7] 5:21	151:25 170:6 170:11
quantifications [1] 158:17	rarely [1] 177:10	157:11 157:23 158:1	6:10 15:21 68:21	184:9 210:13
quantified [1] 158:15	rate [5] 18:2 59:25	161:17 161:23 162:14	68:25 75:4 134:17	regardless [2] 44:3
quantify [3] 41:10	78:4 175:10 183:17	164:22 167:8 168:16	recover [2] 29:22	119:22
89:6 208:7	rather [9] 11:11	175:21 175:22 176:2	94:10	regards [1] 172:5
quantities [1] 121:9	43:15 62:14 73:18	176:23 183:1 183:10	rectify [1] 173:12	region [3] 123:11
quantity [1] 192:25	77:4 86:15 130:20	185:5 186:12 187:22	recycling [2] 35:3	173:8 173:9
quarrel [1] 81:6	189:18 203:24	187:24 188:22 189:2	red [1] 113:18	regional [1] 28:2
quarters [1] 138:4	rational [2] 22:13	189:4 189:16 190:1	redirect [1] 120:9	registration [2] 4:17
quasi-natural [1] 32:20	137:18	197:3 197:17 198:1	redirection [1] 120:10	5:5
quest [1] 89:14	rattle [1] 173:5	198:11 202:23 203:17	REDMOND [8] 2:22 82:20 85:13	regrettable [1] 78:24
questioned [1] 9:9	RE [1] 1:3	203:18 205:3 205:4	104:19 161:1 210:11	regulation [1] 211:10
questions [36] 16:21	reach [2] 134:8	210:17 211:8 212:17	215:5 215:9	regulatory [6] 43:25
26:24 33:4 47:22	reached [1] 128:9	213:7 213:15	reduce [16] 14:6	44:20 52:8 62:20
54:6 59:7 62:4	reaching [3] 108:19	realtime [13] 33:15	18:18 40:6 40:8	183:18 212:20
64:13 68:20 69:4	141:15 188:25	49:3 49:7 49:10	41:20 76:25 77:11	Reike [1] 131:20
72:16 74:18 77:19	react [3] 59:22 59:22	49:12 59:21 63:9	92:11 124:10 125:8	Reike's [1] 134:3
79:8 91:2 121:1	60:5	63:11 63:14 63:23	125:15 125:20 125:22	reinforce [2] 151:16
125:1 126:22 137:5	reaction [3] 115:25	63:25 64:7 64:9	144:12 149:16 150:3	152:14
137:16 137:21 154:22	143:1 143:3	reason [10] 44:19	reduced [2] 39:12	reiterate [8] 46:23
157:5 178:17 185:23	read [10] 20:15 41:25	44:20 44:20 60:2	125:14	88:8 107:13 124:1
201:23 205:24 206:3	42:25 44:22 75:15	120:6 132:14 160:10	reducing [7] 39:15	126:25 162:3 187:12
206:20 207:6 207:8	117:4 122:22 129:20	174:17 180:19 187:9	40:13 63:12 77:6	196:19
210:7 214:13 214:14	130:1 130:10	reasonable [5] 72:25	77:8 124:14 144:18	rejected [1] 191:22
214:18 216:14	ready [4] 11:2	109:7 154:25 155:4	reductions [1] 39:16	relate [5] 66:4
quick [4] 7:25	74:24 126:6 135:13	198:17	13:18	115:23 130:14 154:20
22:8 29:11 214:18	real [25] 17:20 18:3	reasonably [2] 5:11	refer [1] 162:11	198:16
quickly [3] 85:25	39:20 40:14 40:24	109:8	208:16	related [10] 54:13
140:16 165:19	41:25 66:5 69:11	reasons [4] 88:16	reference [2] 37:7	58:25 59:6 60:4
Quinn [1] 131:15	69:11 73:3 90:5	119:18 134:2 142:7	215:3 215:6	70:18 73:24 102:5
quite [13] 61:7	93:16 95:25 100:21	reassessment [1] 95:6	refers [3] 46:12	119:13 124:4 138:9
75:13 93:15 106:4	107:3 107:6 110:11	rebuttal [1] 134:21		relates [4] 25:15
121:4 121:17 131:24	121:19 149:21 161:19	recap [1] 10:21		58:20 102:5 215:14
152:9 152:13 154:18	167:20 176:8 177:1	receive [1] 78:9		relating [1] 59:4
154:19 190:2 190:2	197:5 205:7	received [6] 4:15		relationship [6] 102:24
	realistic [1] 176:22	21:17 75:9 122:19		103:1 214:20 214:22
		160:16 182:6		215:3 215:6
		recent [3] 151:22		
		152:18 208:21		

relationships [2] 50:9 192:17	representatives [3] 129:10 131:14 152:16	responsive [1] 151:18	172:12 179:2	83:19 99:4
relative [2] 19:10	represented [3] 23:14	rest [4] 60:23 132:2	review [8] 4:24	Roberta [18] 3:2
202:9	130:24 194:10	159:16 178:1	52:4 54:3 72:16	25:22 39:5 40:20
relatively [1] 184:10	representing [2]	restaurants [1] 4:21	75:11 169:1 203:21	40:23 41:7 42:17
release [1] 95:2	116:25 181:20	restoration [69] 18:16	207:16	64:11 82:8 103:7
released [1] 77:5	represents [2] 22:15	24:5 26:13 29:12	reviewed [2] 203:8	111:19 152:25 154:3
releases [1] 28:7	153:18	29:18 29:24 30:3	204:18	154:14 159:17 187:11
relevant [2] 58:21	reproduced [2] 56:25	30:4 30:11 31:1	reviewing [1] 51:25	194:24 195:20
82:20	135:25	31:3 50:1 50:8	revised [1] 48:3	rocks [3] 79:19
reliabilities [1] 103:10	request [2] 121:15	63:7 63:20 82:11	revisit [1] 159:13	114:19 114:22
reliability [21] 34:15	137:13	82:13 83:2 89:1	Revitalize [1] 132:25	Roger [15] 2:17
34:18 34:21 38:6	requests [2] 137:9	89:7 100:6 100:24	rewarding [1] 8:20	2:24 3:6 62:12
38:15 39:17 40:2	217:10	103:17 120:18 141:20	reworking [2] 31:4	69:15 70:25 71:3
40:7 40:8 40:21	require [2] 47:25	142:3 142:9 145:21	169:1	72:20 116:17 165:13
40:24 41:4 41:22	81:13	145:23 145:23 147:20	Rich [3] 135:5 202:12	166:5 166:6 167:4
42:5 48:22 77:24	required [2] 124:17	147:24 148:1 148:3	202:17	171:24 197:23
103:3 103:6 103:8	209:17	148:3 148:10 148:13	Richard [11] 2:14	Roger's [1] 71:22
reliable [3] 40:3	requirements [2]	149:3 149:7 149:15	33:5 114:10 116:9	role [13] 36:5 36:10
41:6 94:15	67:1 204:22	149:22 150:9 153:2	116:9 155:16 159:19	38:22 45:2 92:15
reliance [1] 149:8	research [3] 28:3	153:25 163:1 163:2	159:25 190:8 190:8	92:19 92:20 93:8
relied [1] 64:19	65:8 211:23	168:21 169:5 170:16	193:2	134:10 151:14 163:24
relies [1] 213:15	reservation [1] 20:11	171:8 182:1 182:2	Rick [3] 27:9 46:16	169:10 213:9
reluctant [1] 100:15	reserve [5] 27:18	185:9 195:3 195:5	92:3	roles [1] 177:12
rely [2] 38:21 49:12	35:14 92:8 102:2	195:10 195:17 201:11	rid [1] 181:9	room [6] 1:11 10:18
relying [1] 33:8	111:21	204:25 207:12 207:17	Ridge [1] 181:20	75:7 101:10 141:17
remain [1] 6:15	reservoir [4] 89:3	208:1 208:18 208:20	right [69] 4:21	216:2
remaining [1] 141:12	177:21 177:23 177:24	209:5 209:11	7:8 16:25 41:7	Rosemary [2] 2:18
remains [2] 70:6	reservoirs [4] 177:21	restore [4] 30:17	50:19 61:15 64:5	87:23
195:17	178:12 178:14 180:4	restored [2] 30:7	67:18 67:19 68:13	rotational [4] 35:17
remarks [2] 69:1	residual [1] 185:1	182:5	71:21 71:23 73:4	93:14 93:21 94:11
126:10	resolve [4] 117:10	restoring [1] 30:14	73:13 74:1 74:17	rough [1] 168:9
remediation [2] 27:22	117:22 148:11 174:6	restrict [3] 5:8	74:17 75:3 76:18	roughly [1] 159:14
27:23	resolved [1] 54:3	68:7 150:4	77:17 89:9 90:13	roughs [1] 96:8
remember [4] 127:7	resolving [1] 121:13	restricted [1] 177:10	95:19 113:4 113:19	round [4] 189:2
158:13 182:11 184:22	resource [8] 11:10	result [12] 13:9	114:4 115:21 118:11	194:13 203:24 203:24
remembering [1] 10:22	52:8 152:4 152:19	31:23 32:5 33:2	119:12 119:23 123:17	round-table [1] 203:9
remind [3] 6:17	158:10 161:13 198:25	46:5 57:3 83:10	126:5 126:11 126:18	RPR [1] 1:20
147:8 199:21	215:19	92:17 125:19 151:4	134:24 136:12 139:2	rules [1] 4:24
removal [1] 181:14	resources [18] 3:9	169:5 191:24	139:6 140:11 141:2	Rummelsburg [2]
renewable [2] 190:14	3:11 35:25 38:21	resulting [1] 78:5	141:4 150:20 152:24	181:19 181:20
190:23	55:5 93:12 115:17	results [2] 32:7	153:5 153:19 154:2	run [8] 30:9 41:21
repeated [1] 55:1	151:22 151:25 157:10	32:8	155:15 159:16 161:17	60:19 80:19 129:17
report [15] 8:18	161:10 161:19 161:21	retired [5] 36:7	161:18 161:20 168:6	174:18 205:13 206:8
12:23 16:19 78:16	166:10 190:14 190:23	114:12 116:10 173:25	171:17 184:6 185:25	running [3] 60:15
126:21 132:8 153:3	212:14 216:2	retirement [39] 9:10	186:7 186:17 187:11	80:10 211:19
160:19 164:15 181:7	respect [4] 85:12	35:5 35:8 35:9	187:25 189:22 194:2	runs [2] 172:12 210:23
181:12 182:23 183:22	92:24 124:25 125:3	36:3 36:5 36:8	196:24 197:21 199:10	rural [3] 77:25 117:21
195:7 216:7	respective [1] 130:24	83:12 90:21 91:1	199:16 201:9 210:18	122:16
reported [4] 1:20	respects [1] 103:3	91:9 91:9 91:13	215:22 217:3	rush [1] 75:14
203:22 211:17 211:23	respond [6] 14:17	92:15 92:20 93:5	rights [3] 146:18	S [2] 190:15 190:20
Reporter [2] 218:4	74:24 79:23 96:13	93:19 94:5 100:16	179:18 182:13	SABLAN [1] 3:8
218:16	104:3 188:8	105:6 113:17 123:3	ringworms [2] 173:22	Sac [2] 21:3 46:13
REPORTERS [2]	responded [1] 188:17	125:13 137:24 142:19	rise [1] 150:11	Sacramento [16]
1:23 218:22	response [14] 16:24	142:21 142:24 143:4	risk [2] 122:20 149:16	1:11 1:12 22:21
reports [4] 134:4	28:14 28:15 28:17	143:10 143:12 143:20	22:21 26:10 27:16	22:21 30:3 30:6
160:18 180:25 206:1	28:18 80:24 121:23	143:23 144:3 144:6	28:7 28:9 30:3	45:23 46:9 52:15
represent [8] 72:24	122:3 141:4 143:2	144:9 155:24 156:7	30:7 30:22 30:23	91:24 160:20 174:1
74:20 87:15 101:16	156:19 189:24 207:9	retiring [1] 90:4	31:25 32:1 32:4	174:24 187:20 190:25
107:21 107:22 108:13	210:8	return [2] 18:14	32:6 32:8 32:9	216:1
135:18	responses [1] 118:5	97:14	32:13 32:23 33:2	sacred [1] 114:24
representative [1] 71:7	responsibilities [3]	returned [1] 156:4	45:15 46:9 46:13	safety [1] 34:20
	52:9 71:16 204:7	revenue [4] 195:25	52:15 55:17 77:6	salient [1] 98:21
	responsibility [1]	196:3 196:3 206:12	77:6 94:25 95:2	salmon [3] 30:9
	165:24	reversal [1] 32:19	173:17 174:14	174:15 174:18
	responsible [1] 113:4	reverse [3] 150:6	riverine [2] 30:12	salt [4] 78:8 78:9
			road [4] 70:23 70:24	181:10 181:14

BDAC MEETING

CondenseIt™

sampling - snakes

sampling [1] 107:16	136:15 136:21 153:6	seeing [9] 66:25	service [6] 25:17	sign [3] 5:20 5:23
San [38] 2:13 30:16	184:10 186:3 186:7	101:1 123:5 142:16	38:15 55:8 115:17	127:8
30:20 31:17 31:20	194:5	144:5 147:3 154:2	204:23 215:3	signatories [2] 132:18
31:21 32:11 33:2	scratching [1] 99:22	154:6 217:10	Services [1] 55:6	134:21
45:13 46:10 46:14	screen [7] 22:20	seek [1] 76:9	serving [2] 128:25	signed [6] 38:3
77:4 77:15 91:20	54:25 55:5 55:22	seeking [2] 149:19	178:12	128:16 130:1 132:16
94:20 94:25 97:10	64:23 65:6 143:8	208:6	session [4] 69:11	215:16 217:7
110:25 117:13 132:22	screened [2] 21:23	seem [5] 80:13 137:23	87:11 126:19 141:12	significance [5]
141:10 146:15 172:5	22:12	148:15 215:15 215:20	sessions [2] 79:3	14:12 20:14 127:3
172:9 172:14 173:11	screening [16] 23:1	sees [2] 100:5 126:2	182:3	183:2 183:3
173:13 173:17 173:17	30:4 30:13 49:25	seismic [1] 195:11	set [21] 6:10 11:17	significant [12] 35:10
174:14 177:14 178:22	50:5 50:7 51:5	select [1] 59:8	47:3 48:7 52:17	50:4 57:19 90:4
180:21 181:15 182:8	52:5 52:10 52:12	selected [1] 60:1	52:22 53:16 57:10	127:1 128:6 134:13
182:24 218:2 218:17	52:14 52:22 54:10	selenium [2] 172:25	59:5 73:16 80:10	141:15 141:18 143:16
sanctions [2] 212:20	54:20 56:1 116:2	173:5	81:11 82:25 85:15	150:16 215:17
sand [1] 32:14	screenings [2] 50:2	self-evaluation [1]	85:18 94:9 97:20	significantly [3]
Santa [1] 2:18	54:24	211:11	121:6 159:23 208:20	18:5 49:13 76:24
sat [2] 58:4 116:24	screens [9] 54:12	self-evident [1] 123:9	209:20	signing [4] 72:3
satisfactory [1] 131:23	54:12 54:19 55:1	self-regulation [1]	sets [2] 206:4 206:5	131:12 133:24 147:14
satisfied [1] 179:13	55:11 64:14 64:16	211:11	setting [4] 23:17	silence [3] 58:4
satisfies [1] 85:8	64:19 65:1	Selkirk [11] 3:4	157:17 208:13 208:16	58:7 58:8
satisfy [1] 84:24	scrutiny [1] 79:4	37:4 66:22 101:23	setup [1] 71:4	silent [1] 50:12
save [2] 2:13 174:22	sea [2] 150:11 172:21	102:1 102:18 102:21	several [20] 26:6	silt [1] 173:5
saved [3] 103:11	seasons [1] 176:6	108:7 136:5 136:7	33:21 41:15 47:17	similar [1] 123:5
214:24 214:25	seat [1] 211:19	207:11	51:11 52:20 54:18	simplify [1] 120:21
saving [1] 215:2	second [18] 52:23	sell [3] 44:12 95:17	64:6 82:9 106:1	simplistic [1] 127:21
savings [3] 125:18	54:21 60:16 60:20	97:9	106:2 108:16 112:9	simply [11] 12:1
214:22 215:17	65:2 65:14 73:6	seller [2] 95:21	130:16 130:21 139:11	20:23 54:22 57:15
saw [3] 8:22 27:12	112:12 119:9 119:24	97:6	162:25 187:1 212:17	59:5 65:8 72:22
127:6	137:13 138:1 155:2	sellers [1] 97:8	216:7	83:7 93:1 125:14
says [12] 39:9 40:3	158:7 171:16 173:4	Senate [3] 8:15	shaded [1] 30:12	127:3
40:12 40:15 41:25	178:19 208:15	127:7 127:17	shallower [1] 32:15	single [5] 55:10
61:10 63:7 86:20	secondary [1] 158:12	Senator [6] 98:9	share [3] 111:16 131:6	66:15 87:4 118:25
94:7 125:6 171:16	Secondly [2] 203:8	98:16 128:23 131:6	133:14	119:3
181:8	212:15	131:12 132:17	shared [1] 96:19	sink [1] 26:9
SB [25] 8:15 72:4	Secretary [4] 11:5	send [3] 87:25 90:3	shelf [1] 55:23	sit [2] 57:16 90:11
98:6 98:10 98:12	71:5 98:9 98:16	176:4	shift [3] 94:22 112:14	sitting [1] 169:18
99:8 107:6 107:12	section [2] 46:22	sending [2] 9:5	144:25	situation [6] 38:23
126:21 127:2 127:6	56:11	197:7	short [7] 12:13 37:16	39:4 58:22 66:12
127:11 130:22 141:13	sections [1] 207:21	sends [1] 90:5	44:13 94:20 117:4	176:11 192:23
141:25 142:7 170:13	sector [7] 12:9	sense [18] 13:23	129:4 193:20	six [8] 12:20 16:12
195:2 195:22 196:16	12:10 37:24 37:25	54:4 75:2 80:13	shortages [1] 39:16	16:12 63:6 189:2
196:22 197:10 197:12	38:20 123:12 144:22	82:21 83:17 83:19	shorthand [4] 218:3	193:8 206:8 206:20
197:14 202:6	sectors [1] 108:10	84:1 87:1 105:8	218:6 218:8 218:16	sizable [1] 178:11
scale [20] 29:25	sediments [1] 32:24	107:23 129:6 184:15	show [4] 9:25 40:6	size [8] 23:15 45:18
31:25 32:19 33:3	see [71] 4:10 6:9	185:18 186:13 198:11	47:23 115:12	53:24 55:14 58:18
34:1 52:15 62:5	7:11 8:24 16:14	206:19 213:23	showed [2] 17:14	112:6 147:8 171:23
63:20 82:15 90:20	16:21 19:9 31:20	sensing [1] 99:16	133:24	sized [1] 147:10
93:8 113:1 142:24	34:22 38:21 40:14	sensitive [4] 18:13	showing [1] 18:22	sizes [1] 137:17
147:25 148:6 148:14	43:2 46:10 67:8	133:11 196:14 196:18	shown [3] 20:15	sizing [3] 67:25
148:23 149:24 150:19	69:16 73:1 81:22	sensitivity [1] 100:22	20:23 22:5	137:14 147:5
scarce [1] 157:9	83:9 88:7 88:10	sent [2] 6:6 198:21	shows [2] 10:6	skeptical [1] 134:1
scenarios [3] 60:5	88:19 98:5 101:18	43:14 43:21 44:22	86:4	skin [1] 173:22
60:8 105:19	105:13 110:18 111:13	separate [4] 32:4	shut [4] 63:17 94:8	skipped [1] 128:17
schedule [1] 28:23	113:5 114:11 116:20	119:16 120:2 120:17	94:15 97:1	slighted [1] 198:9
scheduled [2] 6:4	120:3 121:6 121:8	September [2] 6:3	shutdowns [1] 94:11	slightly [1] 187:19
207:13	124:8 125:10 125:23	67:8	shutting [1] 64:3	slop [1] 39:23
scientific [1] 171:9	125:23 126:1 126:10	series [1] 86:23	shuttle [1] 134:9	slough [1] 174:24
Scoonover [1] 215:25	130:25 135:14 140:25	77:14 97:6 173:24	side [11] 17:3 19:25	small [4] 34:5
scope [3] 71:24	141:1 145:18 149:23	176:8 176:9	42:23 84:10 102:24	52:12 107:16 213:20
148:14 165:1	150:18 152:8 153:5	seriously [1] 55:24	104:4 120:3 138:22	smaller [3] 30:6
scoping [6] 13:12	156:3 157:4 157:18	served [2] 4:19	143:19 160:11 198:2	53:24 189:15
13:13 13:20 13:22	160:8 161:20 165:17	134:10	sides [2] 128:22 185:12	smart [1] 168:6
35:7 92:17	168:3 168:13 171:12	serves [1] 18:18	Sierra [3] 191:8	smile [1] 116:16
Scott [9] 136:2 136:4	176:23 178:25 184:6		192:9 192:10	snakes [1] 173:6
	184:7 189:9 193:16		Sierras [1] 32:15	
	193:18 194:23 197:17			
	197:25 201:25 203:20			

Snow [51] 2:4	sorts [4] 36:23 55:3	spell [2] 76:18 121:5	standardized [1] 29:5	Steve [28] 2:7
7:22 7:23 10:7	96:21 176:15	spelled [1] 5:5	29:5	25:2 25:12 27:2
10:10 10:13 17:1	sought [1] 77:20	spend [5] 46:20	standards [4] 36:24	51:22 54:9 60:11
17:7 22:10 22:14	soul [1] 117:1	51:22 90:18 129:23	121:6 121:10 152:14	104:18 107:20 110:6
24:10 24:13 24:17	sound [2] 150:16	214:24	standpoint [2] 6:25	111:3 112:18 123:24
24:23 26:19 26:23	169:17	spending [2] 157:11	59:22	127:9 127:13 131:4
43:7 44:9 46:4	sounds [3] 80:17	165:24	stands [1] 69:7	132:14 133:4 133:16
66:2 72:15 79:24	176:1 190:18	spent [2] 41:18	start [26] 12:5 27:2	135:13 136:4 141:14
81:9 82:6 84:3	source [2] 40:3	191:1	43:20 48:2 68:16	144:11 153:7 165:10
86:1 91:15 91:19	146:4	spiel [1] 114:18	74:16 80:10 80:10	197:11 216:7 216:15
92:3 92:14 95:11	sources [5] 146:9	spirit [4] 8:4	84:15 84:16 85:11	Steve's [1] 131:13
109:23 110:2 122:8	146:10 146:19 146:21	72:8 115:1 115:1	86:9 90:4 92:16	stew [1] 193:10
126:23 126:24 154:12	177:21	split [1] 156:22	106:15 114:3 121:9	Stewart [2] 171:3
154:13 155:14 156:5	south [22] 2:11	splitting [2] 193:8	127:13 139:6 140:19	171:16
156:10 156:14 158:4	19:5 20:9 21:7	193:10	142:17 148:4 149:25	stick [1] 158:3
162:21 163:15 198:24	23:21 38:25 39:12	spoken [1] 217:7	157:1 176:13 203:6	still [23] 6:14 41:20
199:10 199:18 216:5	45:24 46:7 52:16	sponsor [1] 186:12	started [12] 4:12	49:5 49:14 53:7
Soehrn [5] 27:9	53:5 53:7 58:20	sponsors [3] 98:10	11:8 13:7 13:12	82:14 83:15 88:5
34:10 37:20 46:18	60:5 60:8 99:6	115:15 131:5	16:9 35:11 103:15	93:24 94:18 95:8
92:6	110:25 172:14 178:24	Sportfishing [1] 2:14	112:25 141:12 158:9	102:14 106:18 107:23
soil [7] 150:1 192:7	179:1 179:4 197:11	spot [1] 27:17	205:23 210:20	113:20 128:6 135:16
192:8 192:13 192:15	Southern [6] 2:10	spotty [1] 211:7	starters [1] 90:25	149:23 184:12 184:25
192:17 192:18	187:2 187:3 187:7	spread [1] 20:18	starting [6] 9:4	196:11 196:15 196:19
soils [2] 150:14 192:10	187:14 194:11	spreads [1] 110:10	13:2 17:2 61:25	stipulated [1] 12:4
solicited [1] 78:23	span [1] 128:14	spring [2] 30:9	74:19 204:9	stipulating [1] 59:13
solid [1] 84:1	spanned [1] 128:8	97:11	starts [1] 191:8	Stockton [2] 1:24
solids [1] 172:23	spawning [2] 30:4	ss [1] 218:1	state [36] 3:10	218:23
solution [25] 8:12	174:19	stabilization [3] 28:20 28:21 149:9	11:11 13:12 65:19	storage [51] 15:6
11:18 13:4 86:16	speak [9] 5:12	staff [26] 10:25	77:17 98:9 98:10	15:7 15:15 18:24
119:20 130:23 139:22	5:16 60:25 82:15	57:6 58:6 78:22	98:16 98:17 103:24	19:5 19:5 19:6
140:4 140:7 141:15	102:4 123:16 136:11	79:1 79:16 99:3	104:8 104:15 104:16	19:6 19:10 19:12
143:7 143:15 150:20	147:18 156:16	100:23 100:24 101:2	115:19 128:25 128:25	19:15 19:18 19:22
157:7 163:8 166:8	speaker's [2] 5:4	104:2 117:16 118:23	132:3 132:11 147:11	20:8 21:1 21:6
166:20 175:24 176:2	5:19	137:2 137:16 138:15	152:4 152:11 178:20	21:8 22:2 23:19
180:22 181:14 203:1	speaking [3] 104:22	140:3 145:7 160:18	181:24 182:12 188:18	24:3 24:4 34:17
206:9 206:23 207:4	107:24 108:10	189:10 201:2 205:17	190:5 194:11 196:6	34:23 41:3 45:9
solutions [6] 8:9	speaks [1] 124:2	207:18 208:6 209:20	196:9 196:10 198:4	45:20 46:6 46:6
139:15 140:7 151:15	special [1] 53:21	215:25	202:16 203:10 218:1	46:12 48:6 48:7
152:6 152:10	species [12] 12:2	staff's [1] 57:15	State's [2] 198:25	48:10 112:6 117:12
solve [5] 104:14 111:15	18:17 29:22 30:8	stage [7] 14:17 71:23	199:3	146:3 146:8 146:9
143:18 176:23 182:17	54:13 63:10 113:2	88:4 99:15 119:5	statement [7] 61:4	146:24 161:8 176:25
solved [1] 176:19	114:17 152:12 182:21	137:8 155:6	61:9 125:9 153:14	177:9 177:10 178:6
solving [1] 127:5	183:16 183:17	staged [6] 73:20	170:23 182:24 183:12	178:7 178:9 178:11
someone [1] 83:7	specific [29] 14:9	103:16 164:3 164:6	statements [1] 108:5	178:16 180:5 181:21
sometime [1] 197:25	26:20 33:11 48:16	167:14 167:19	States [5] 29:19	190:17 198:14
somewhat [2] 52:9	59:4 62:15 63:10	stages [2] 164:4	100:8 115:6 115:16	stored [1] 28:8
142:20	75:4 81:10 82:16	209:15	115:21	storming [1] 79:3
somewhere [4] 44:13	84:9 84:16 100:19	staging [8] 14:23	statesman [1] 133:18	stormwater [1] 27:20
66:20 110:23 167:17	105:17 110:11 118:11	73:16 73:17 170:6	statewide [1] 134:19	story [1] 131:21
soon [3] 6:7 162:17	118:14 119:20 119:21	170:11 170:18 184:11	status [2] 56:15	straighten [1] 181:11
203:6	125:3 148:2 158:14	186:7	91:1	strategies [2] 143:21
sorry [3] 136:5 186:3	162:6 185:7 185:11	stake [2] 11:15 194:15	statutory [1] 71:16	145:3
197:22	194:8 205:3 206:7	stakeholder [2] 147:7	stay [1] 193:12	strategy [15] 16:1
sort [42] 17:25 34:19	215:13	189:11	staying [1] 166:10	16:4 51:13 145:4
35:18 37:20 37:23	specifically [15] 58:10 62:17 82:16	stakeholders [10] 56:22 67:9 71:7	steadily [1] 93:6	162:15 163:18 200:9
49:10 55:10 57:16	95:12 102:2 103:23	108:20 109:6 147:9	Stearns [1] 7:9	200:11 200:21 201:18
68:20 69:6 83:3	118:15 124:4 136:11	147:23 176:11 188:19	steep [1] 177:9	201:18 207:18 207:21
83:16 83:21 88:1	156:6 162:6 164:2	216:11	31:20 32:11	208:1 209:18
88:9 98:7 99:21	180:4 200:8 208:24	stance [1] 174:20	stems [1] 81:24	stream [6] 32:16
100:9 100:11 128:21	specificity [2] 121:12	stand [1] 37:1	stem [4] 30:3 30:23	40:16 45:10 84:10
130:14 135:15 135:21	137:10	standard [2] 81:12	118:13	97:16 196:3
136:24 153:6 157:21	specifics [1] 62:19	81:14	stepping [1] 118:13	streams [1] 32:12
158:3 159:6 166:14	specified [1] 59:1	spectrum [1] 84:6	steps [1] 37:21	Streets [1] 1:11
189:6 190:6 194:21	SPECTATOR [3] 10:9 102:8 102:12	speech [1] 98:9		STRELOW [8] 2:17
195:4 197:1 203:16				62:13 62:25 167:5
203:16 210:14 211:18				169:20 197:24 199:5
212:1 212:19 212:23				199:11
213:18				strengths [2] 211:2
				211:14

BDAC MEETING

Condensat™

strenuously - third

strenuously [1] 162:4	substantially [3] 77:11 125:8 125:20	100:1 100:10 100:13	50:10 52:13 60:13	TENNIS [1] 109:25
stress [2] 59:12	substitute [1] 155:22	100:15 101:2 104:6	60:21 60:23 63:9	term [9] 40:24 47:16
147:16	substitution [1] 65:22	110:16 113:7 118:17	63:16 63:16 66:18	104:24 158:25 160:9
stretch [1] 209:12	succeed [1] 133:2	124:10 139:20 139:23	82:13 144:16 144:25	160:12 163:12 191:11
strictly [1] 25:6	successful [2] 46:24	144:1 144:11 144:12	146:7 146:18 147:21	196:8
strived [1] 8:8	164:19	144:19 145:15 170:15	148:17 149:8 150:9	terms [42] 10:22
striving [2] 9:5	successfully [1] 101:20	175:12 175:14 175:19	156:25 178:8 181:13	11:5 11:19 14:22
12:6	such [17] 27:16	176:3 176:22 177:2	183:1 184:4 187:5	15:1 21:4 30:3
strong [9] 38:18	27:19 27:22 28:15	177:17 177:22 177:24	199:4 204:20 215:13	32:9 36:15 37:13
39:1 70:14 90:5	36:23 67:9 76:1	179:1 198:2 198:5	systematically [1] 188:20	43:11 55:16 71:20
115:11 210:2 210:4	85:14 142:23 146:12	198:10 215:1 215:1	systems [4] 46:13	80:8 81:18 84:11
211:16 213:12	148:9 161:6 165:4	support [13] 35:24	66:7 161:7 161:8	87:19 95:19 96:3
stronger [1] 213:8	190:9 192:5 217:10	67:9 107:15 129:16	T [2] 115:25 207:2	103:16 110:6 110:7
strongly [1] 70:13	218:8	134:19 141:17 180:2	table [6] 4:17 5:5	110:13 126:11 138:11
structural [1] 146:11	sudden [2] 43:23	180:8 180:10 183:25	42:4 66:3 98:3	139:18 143:21 144:23
structure [13] 10:23	176:16	208:18 210:24 215:25	133:21	145:5 145:20 151:15
18:23 19:3 67:6	sufficient [3] 55:23	supportable [1] 209:11	tables [1] 189:3	151:24 152:3 156:20
110:19 155:7 161:5	109:2 206:21	supported [1] 127:18	tacit [1] 78:17	157:6 168:20 190:3
169:8 169:8 184:15	suggest [6] 25:9	supporting [4] 28:2	tail [1] 190:10	190:11 204:19 204:23
185:20 201:19 206:15	42:7 118:9 119:14	28:3 113:5 180:7	takes [4] 32:8 38:19	205:2 206:18
structured [2] 26:25	120:22 140:9	supportive [2] 135:17	151:19 195:4	thank [78] 4:6
62:22	suggested [4] 88:15	supports [2] 98:25	taking [12] 34:14	7:15 7:19 7:23
structures [3] 200:22	134:25 135:1 212:17	111:1	36:8 37:22 38:17	31:15 34:8 34:9
209:4 209:17	suggesting [4] 86:12	suppose [5] 88:17	44:19 55:24 61:7	57:12 61:22 67:19
Stu [4] 54:8 112:20	93:17 158:15 208:23	89:5 133:12 139:23	120:19 157:22 198:8	68:12 70:25 71:2
167:4 168:12	suggestion [3] 139:23	187:4	214:8 214:21	72:13 79:20 82:7
STUART [1] 3:15	188:2 212:21	supposedly [1] 132:4	talks [2] 73:17 94:18	82:19 88:11 89:11
studied [1] 76:10	suggestions [5] 149:3	surface [1] 38:10	target [1] 71:21	99:13 101:12 104:17
studies [1] 41:15	153:9 194:8 196:21	surfaces [1] 129:18	targets [1] 158:20	105:23 107:18 111:18
study [7] 72:25	summarize [3] 126:9	surprise [1] 100:17	task [4] 112:19 133:5	116:6 116:7 116:11
122:20 122:20 182:7	135:13 136:3	surreal [1] 130:18	150:7 165:17	116:11 117:19 117:24
182:7 203:22 204:2	summarized [3] 6:12	surround [1] 55:3	team [5] 28:15 51:20	117:25 118:2 120:23
studying [1] 193:18	135:23 156:13	surrounding [1] 152:18	71:14 87:8 187:19	121:20 122:11 123:13
stuff [7] 4:15 11:8	summary [8] 136:19	survival [1] 44:19	team's [1] 54:4	123:14 123:20 126:3
81:18 81:21 130:5	136:25 139:4 153:6	SUSAN [3] 1:20	108:17 138:17 168:22	126:4 127:15 134:23
130:20 133:14	180:20 183:23 186:4	sustain [3] 165:17	216:4 216:8 216:14	135:11 136:4 140:11
stunning [1] 160:16	194:3	166:2 183:19	technically [1] 133:12	141:2 141:6 151:1
sub-alternative [1] 77:8	summer [5] 77:6	sustainable [3] 149:10	technicians [1] 85:15	151:1 151:2 152:24
sub-alternatives [3] 75:20 75:21 76:10	94:24 95:3 97:13	150:2 150:15	technique [4] 49:5	153:20 162:1 162:8
sub-group [1] 103:22	Sunne [14] 2:5	sustained [2] 165:7	49:11 49:14 84:9	170:25 175:1 175:2
sub-options [1] 72:24	6:17 40:18 75:6	167:7	techniques [2] 92:9	180:14 180:15 181:16
sub-surface [1] 173:10	109:1 109:17 135:1	swamps [1] 148:18	208:19	181:17 184:5 187:11
sub-work [1] 216:8	160:16 164:24 167:7	synergy [1] 31:1	technology [2] 211:25	193:1 193:2 193:25
subject [10] 13:15	169:22 188:7 197:11	synthesis [1] 70:2	212:4	194:1 197:22 199:16
14:14 36:13 78:25	217:6	synthesize [1] 69:1	Ted [1] 108:12	201:24 207:5 210:6
149:18 168:13 171:19	Sunne's [1] 121:23	system [88] 10:8	teeth [1] 76:7	214:11 215:22 216:23
172:6 175:6 191:17	superior [1] 185:20	11:20 11:22 12:8	temperature [2] 97:15	217:1 217:11
subjected [1] 79:4	supplementing [1] 186:15	14:5 15:6 15:8	169:19	thanks [3] 115:12
submit [1] 150:24	suppliers [2] 94:12	15:10 15:12 15:13	temporarily [1] 75:7	152:23 210:9
submitted [3] 21:20	124:22	15:13 15:14 18:12	temporary [9] 48:13	themes [1] 195:13
56:19 79:25	supplies [16] 30:1	18:13 18:14 18:18	48:24 92:10 93:14	themselves [3] 116:1
subscribes [1] 153:14	31:9 34:25 35:15	19:11 19:13 19:15	93:21 96:5 125:11	119:10 211:11
subsequent [1] 48:12	38:7 38:9 41:2	19:19 19:21 20:2	143:23 143:23	theoretical [4] 66:9
subsequently [3] 14:6 15:16 164:6	48:19 111:6 113:14	20:4 20:9 20:11	ten [13] 4:5 13:11	66:11 171:13 176:7
subsets [1] 190:5	144:21 144:21 169:6	20:21 20:25 21:3	13:11 27:13 36:6	theory [1] 176:1
subsidence [2] 28:25	175:21 199:1 199:3	21:5 21:10 21:11	128:14 128:18 128:21	thereafter [1] 218:7
150:6	supply [52] 3:14	21:14 22:4 22:16	167:23 178:1 198:18	thereby [1] 76:24
subsides [1] 62:20	18:18 31:2 32:3	23:3 23:11 23:20	204:12 216:2	therefore [4] 39:23
substantial [9] 31:1	34:15 38:5 38:5	23:23 25:1 26:14	tend [3] 14:13 88:13	40:16 90:21 126:7
45:12 45:14 61:8	40:7 42:11 42:15	26:16 26:20 28:12	105:13	thereof [1] 218:11
63:15 64:8 72:6	42:16 47:24 47:25	30:20 32:10 33:2	tended [1] 199:23	they've [4] 32:6
127:18 167:11	49:20 49:22 76:25	39:10 39:23 42:8	tendency [1] 195:4	100:23 100:24 192:1
	78:2 78:5 95:14	44:5 44:13 44:14	tends [4] 14:13	thin [1] 100:21
		44:17 45:15 49:19	14:20 191:25 192:19	thinking [12] 57:2

BDAC MEETING

CondenseIt™

THOMAS - unintended

35:10 55:8 97:5	21:22 21:22 22:16	133:22	78:12 124:21	62:19 79:9 84:8
97:9 97:14 98:25	23:5 23:12 23:14	too [17] 47:24 48:7	tremendous [6] 83:16	92:1 101:1 101:2
111:2 120:6 147:4	45:7 59:20	62:3 85:25 91:11	100:5 100:24 116:3	113:6 123:12 152:8
158:7 164:3 208:20	throughout [6] 20:25	105:14 114:3 115:22	195:2 197:15	190:17
208:24	52:13 146:17 148:23	127:20 136:8 156:19	trend [1] 94:1	types [12] 19:4
THOMAS [2] 2:24	160:5 201:22	164:11 165:14 172:20	tributaries [8] 20:18	24:25 28:8 29:21
171:25	throw [1] 79:18	187:22 197:25 205:8	30:6 30:8 31:20	43:9 74:17 150:5
thoroughly [1] 146:20	throwing [3] 182:18	13:11 13:13 121:25	77:4 94:20 95:8	150:17 158:21 206:10
thought [16] 35:19	183:11 184:2	128:12 211:17 218:6	97:10	206:12 208:2
47:9 48:7 67:25	thrust [1] 75:11	tool [6] 51:15 92:23	tributary [2] 32:12	typical [1] 33:21
73:10 80:20 86:24	Thursday [2] 6:4	137:24 143:5 143:6	45:17	typically [1] 22:17
98:21 101:18 107:9	214:9	203:16	tried [3] 16:13 72:18	U [2] 190:15 190:20
117:20 166:13 182:9	Tib [2] 3:3 101:13	toolbox [2] 144:1	197:17	ultimate [5] 44:3
182:13 182:13 204:24	tidal [2] 30:18 148:18	144:3	troopers [1] 217:11	104:15 157:24 167:12
thoughtful [3] 79:25	tie [3] 45:19 107:10	tools [6] 92:21 138:17	trouble [1] 148:13	189:6
121:14 136:23	121:19	144:5 144:17 144:18	troubling [1] 149:10	ultimately [2] 128:5
thoughts [11] 22:15	tied [2] 184:4 192:11	206:12	true [10] 45:11 119:2	196:2
22:23 69:5 69:15	tilted [1] 97:19	top [10] 17:2 37:7	125:9 130:8 164:23	unbelievable [1]
87:16 117:5 144:8	Tim [1] 131:15	39:8 40:12 42:25	191:6 191:20 192:23	127:17
167:1 184:8 185:22	timeline [2] 103:12	43:8 109:21 144:4	218:10 218:11	unclear [2] 92:2
194:20	103:13	172:21 192:8	trust [1] 100:11	145:1
thousand [2] 214:24	timely [1] 5:11	topics [1] 206:8	trustee [1] 71:16	under [26] 27:15
214:25	times [15] 12:25	total [6] 25:20 56:25	truth [2] 130:12 133:25	27:19 27:22 27:25
thousands [1] 176:16	33:23 51:11 54:14	58:20 65:12 80:8	try [25] 4:19 9:23	28:5 28:12 28:14
three [51] 5:17	59:17 68:4 84:6	158:13	11:24 19:14 26:13	28:20 29:2 41:6
12:11 13:15 15:9	84:7 95:5 132:22	totally [6] 17:13	68:25 69:17 75:2	46:22 58:9 61:18
16:18 17:14 17:15	144:2 147:23 161:8	34:6 71:3 84:24	81:17 109:10 113:5	63:20 68:20 77:7
17:16 19:21 23:10	192:3 203:4	95:5 172:23	113:9 122:4 125:17	77:17 110:16 124:17
28:13 37:15 53:1	timing [4] 27:16	touch [1] 61:25	126:9 135:2 135:13	158:13 172:2 191:23
54:23 60:16 61:3	28:6 49:4 99:14	touchy [1] 172:5	157:25 158:17 176:23	193:3 194:9 194:21
66:10 72:23 73:5	title [1] 202:13	tour [2] 193:20 193:24	179:17 186:9 188:6	underestimating [1]
74:20 75:16 77:3	today [32] 4:23	toward [1] 141:19	204:2 204:3	143:3
84:12 85:6 89:10	5:10 6:9 6:18	towards [3] 29:23	trying [28] 9:7	underlie [1] 18:21
100:2 107:1 113:8	6:25 7:7 7:9	78:22 168:4	12:7 26:2 40:19	underlies [1] 18:15
127:17 127:23 128:1	7:12 7:14 8:16	track [5] 73:4 80:12	42:9 52:21 63:16	underlying [1] 43:12
129:3 129:7 132:18	13:16 13:18 16:10	95:19 134:11 200:8	75:14 79:18 85:10	underneath [2] 158:11
132:20 133:19 137:2	16:17 37:5 58:14	tracking [2] 43:11	100:11 107:8 112:15	158:12
163:3 170:14 171:10	66:8 75:10 81:17	75:5	114:3 118:13 118:15	underpin [1] 209:5
173:21 186:4 197:16	90:22 101:10 108:2	tract [1] 177:14	118:16 119:4 120:5	understand [28] 37:12
199:19 199:21 204:14	120:16 156:18 174:2	Tracy [1] 172:19	134:6 157:9 157:18	37:12 37:16 39:20
204:14 204:15 204:18	199:20 200:8 203:15	transaction [3] 95:23	158:20 170:1 170:15	40:1 40:20 41:24
208:9 208:12	207:23 210:13 210:17	96:1 96:16	179:16 190:10 214:3	47:11 47:14 50:16
threshold [1] 73:3	216:21	transactions [1] 96:22	turn [7] 9:23 11:4	64:24 89:2 104:14
through [75] 6:18	together [35] 11:16	transcribed [1] 218:8	122:2 123:18 169:23	108:21 112:4 122:23
10:1 12:13 12:21	12:7 13:3 13:3	transcript [2] 1:8	169:23 205:16	160:10 162:13 162:14
12:21 12:25 13:9	14:10 17:13 38:14	218:11	turned [1] 201:12	172:11 182:5 186:24
15:13 16:9 16:13	38:16 45:19 55:9	transcription [3] 218:9 218:10 218:21	turning [2] 158:21	192:14 193:21 196:8
19:13 21:4 21:17	69:23 72:9 80:13	transfer [3] 97:7	160:21	199:5 206:20 213:21
26:4 26:18 27:6	80:14 84:14 85:3	101:15 179:3	turnout [1] 8:22	understands [2] 66:3
30:18 33:25 39:21	85:3 85:22 85:23	transfers [12] 43:16	turns [2] 26:6 37:10	105:4
42:14 47:7 60:7	100:3 102:22 127:4	45:2 45:3 101:19	twenty [1] 198:18	understood [4] 12:1
61:11 63:22 64:9	127:22 128:21 129:5	111:1 113:20 113:22	two [42] 10:25 15:4	105:11 115:9 175:18
65:15 68:16 69:10	131:8 151:7 151:8	123:3 137:25 145:10	15:5 16:2 19:17	undertake [1] 20:17
71:5 73:18 73:20	157:19 163:20 164:14	146:18 212:25	21:9 21:9 22:15	undertaken [7] 16:22
74:19 84:13 85:3	169:9 170:17 182:12	translated [1] 65:16	23:4 35:23 37:20	29:18 82:11 83:4
85:9 88:19 88:23	197:17	transmitted [1] 61:21	37:21 45:19 47:1	162:22 163:2 163:5
93:25 95:9 103:6	Tom [33] 2:12	transportation [1] 178:20	52:1 54:1 54:23	undertaking [1] 85:14
103:10 109:13 109:14	2:21 31:15 58:15	traps [1] 32:7	59:7 59:8 63:14	underway [5] 50:14
111:23 113:9 116:24	61:24 63:3 66:23	treat [1] 106:7	64:7 66:7 66:16	52:20 81:18 133:7
116:24 125:15 134:2	68:8 86:18 87:23	treated [1] 78:13	67:16 75:19 90:11	162:17
135:23 136:3 136:16	88:11 97:23 127:9	treating [1] 28:7	100:19 110:6 110:23	unfair [1] 109:9
153:11 154:25 159:24	131:2 131:15 132:24	treatment [3] 28:8	116:16 117:19 126:8	unfortunate [1] 142:20
166:11 166:21 168:22	133:17 133:24 134:2		131:14 135:18 154:22	unfortunately [1]
172:10 179:18 179:20	134:4 134:9 134:16		155:18 171:10 173:21	177:6
182:19 190:19 191:18	134:24 135:3 139:7		181:25 182:6 200:9	uniform [1] 52:21
195:13 195:25 201:15	139:9 140:14 141:14		202:23	unintended [1] 9:8
204:2 205:13 205:23	157:6 162:9 164:25		two-thirds [1] 199:7	
206:6 206:9 206:24	186:21 187:13		type [12] 18:2 43:21	
209:15 216:12	Tom's [2] 67:24			
through-Delta [11]				
19:17 21:10 21:11				

BDAC MEETING

CondenseIt™

unit - week

unit [2] 18:4 181:21	21:19 25:4 25:6	variable [2] 15:4	13:25 14:2 14:4	124:3 124:10 124:15
United [5] 29:19	25:17 25:18 25:19	15:5	14:7 15:6 15:13	124:19 124:20 125:6
100:8 115:5 115:16	25:21 27:19 27:20	variation [2] 104:7	18:1 18:2 18:5	125:6 125:7 125:12
115:21	35:2 36:18 37:25	166:14	18:13 18:14 19:13	125:16 125:18 125:19
units [1] 66:4	38:1 58:20 58:23	variations [1] 47:12	20:10 20:12 20:23	127:20 132:4 135:6
unless [2] 117:8	59:6 60:5 60:7	varies [2] 18:1	20:24 21:4 22:4	137:25 139:16 139:18
162:5	65:11 65:11 65:12	18:5	22:5 23:23 23:24	139:20 139:22 142:3
unquote [1] 208:13	77:22 78:10 78:13	variety [4] 92:9	25:5 25:6 25:6	142:6 142:9 142:24
unrestricted [1] 26:11	96:6 100:25 102:24	156:17 156:22 203:13	25:11 25:16 25:18	143:13 143:22 144:1
unscreenable [1] 33:15	103:1 103:23 104:3	various [11] 13:21	25:19 26:3 26:7	144:11 144:25 145:9
unscreened [3] 21:23	107:22 108:9 113:1	62:5 62:8 70:11	26:8 27:8 27:9	145:10 145:11 145:12
22:12 30:4	124:21 127:21 129:12	70:11 150:17 175:6	27:11 28:9 28:11	145:15 145:17 146:4
unsung [1] 131:19	131:14 131:22 160:12	183:8 185:12 190:4	30:1 31:2 31:6	146:6 146:9 146:10
unusable [1] 26:9	163:5 177:13 210:20	204:4	31:7 31:9 34:11	146:13 146:15 146:17
up [112] 5:20 5:21	210:21 210:23 210:25	variously [1] 104:5	34:12 34:14 34:15	146:18 146:18 146:19
5:23 6:10 6:24	210:25 211:5 211:15	vary [2] 14:10 59:15	34:18 34:19 35:1	146:22 147:11 147:18
8:11 9:6 9:20	211:22 212:11 212:13	vast [1] 148:17	35:2 35:3 35:3	147:22 150:22 152:12
11:18 12:8 14:1	213:19 213:20 214:5	versus [6] 22:12	35:12 35:18 35:20	155:20 155:20 155:23
15:9 15:19 17:9	215:10 215:16 215:18	37:19 43:25 62:20	35:22 35:24 36:3	156:1 159:3 159:5
17:13 19:25 20:5	215:21 216:11	62:20 179:25	36:4 36:8 36:12	159:23 160:6 160:12
20:6 23:17 24:12	urbans [1] 25:10	view [7] 53:19 57:4	36:15 36:15 36:16	162:5 163:4 169:6
26:6 36:6 36:7	urge [1] 188:5	101:15 101:16 131:23	36:18 36:18 36:19	172:7 172:11 173:7
36:13 36:15 40:11	urged [1] 131:25	187:5 191:10	36:22 36:25 37:1	174:1 174:10 174:11
41:23 43:10 43:19	usage [1] 24:15	viewed [1] 96:22	37:6 37:22 37:24	175:8 175:12 175:14
51:10 53:4 53:24	used [15] 14:10	views [6] 7:12	38:5 38:5 38:7	175:18 176:3 176:4
58:9 58:11 58:17	14:23 33:22 36:19	8:7 8:7 55:4	38:8 38:10 38:12	176:22 177:2 177:4
65:1 68:2 71:22	39:23 40:21 40:22	70:11 70:11	38:12 38:24 39:12	177:6 177:17 178:2
73:16 74:5 76:20	46:6 78:14 107:21	violate [1] 169:20	39:15 39:15 39:19	178:4 178:20 178:21
80:10 80:15 81:11	137:25 147:25 170:12	vision [3] 63:7	39:21 40:2 40:4	178:22 178:25 179:1
85:18 86:16 88:18	191:1 206:5	207:20 208:7	40:13 40:16 41:6	179:4 179:14 179:17
88:21 90:2 92:4	useful [3] 121:19	vital [1] 134:10	41:7 41:17 41:18	181:20 181:22 181:24
93:4 95:10 96:15	user [15] 44:13 101:18	voice [1] 169:17	41:20 41:24 42:1	182:12 182:13 182:15
96:25 97:20 99:10	112:9 142:3 195:9	volume [2] 25:16	42:5 42:5 42:14	182:18 183:11 183:18
101:6 105:4 106:25	195:21 195:23 196:4	25:21	42:23 43:2 43:16	183:25 184:2 185:12
112:1 112:13 114:9	196:4 196:5 196:8	voluntarily [1] 92:10	43:20 44:3 44:12	191:3 191:5 191:8
114:20 115:3 115:24	196:16 197:20 203:14	voluntary [3] 111:1	44:12 44:15 44:18	192:16 192:24 195:11
117:12 125:1 133:24	213:6	210:24 211:1	45:23 45:24 47:23	195:11 195:16 196:10
135:2 139:15 139:22	users [10] 77:4	vote [1] 127:17	47:25 48:6 48:7	198:15 198:25 199:3
140:7 149:14 150:8	96:11 120:11 124:3	voter [2] 129:23 129:25	48:10 48:14 48:18	200:5 210:21 210:23
151:14 152:21 153:4	142:6 142:9 147:18	Voters [1] 3:2	48:20 48:20 48:22	210:25 211:3 211:9
156:4 156:19 157:8	183:18 183:25 196:2	vulnerability [1] 14:5	48:25 49:4 49:13	211:15 211:21 211:22
158:20 159:19 164:8	uses [7] 36:16 39:13	vulnerable [3] 33:18	49:19 49:22 51:3	212:11 212:25 213:19
168:14 168:15 169:16	49:20 49:21 78:3	34:3 34:5	55:18 56:11 58:23	213:20 213:22 214:21
169:24 172:13 175:19	180:22 215:13	wag [1] 190:10	59:6 59:6 60:7	214:22 215:2 215:4
177:8 177:16 177:22	using [12] 14:25	walk [4] 27:6 47:7	60:14 61:11 62:8	215:10 215:11 215:12
178:12 179:6 187:13	40:1 40:25 47:16	136:3 136:16	64:10 65:12 65:19	215:12 215:15 215:17
187:20 191:1 191:1	105:3 114:15 143:24	wander [1] 153:11	66:17 67:12 75:24	215:19 215:21 216:4
192:9 195:6 197:12	158:22 181:12 203:15	wandering [1] 68:16	76:24 76:25 77:3	216:8 216:9 216:10
198:4 200:8 201:15	208:18 211:12	wanting [1] 118:8	77:4 77:5 77:5	216:13
207:10 210:13 210:17	utility [3] 3:4	wants [8] 68:20	77:9 77:9 77:17	waters [2] 172:13
215:7 215:12 215:12	51:10 63:11	81:15 81:22 102:4	78:5 78:10 78:10	173:9
217:5 217:7	utilized [2] 48:22	109:25 129:13 138:21	78:11 78:12 80:18	watershed [13] 27:20
upbeat [1] 127:8	92:22	143:11	81:19 83:11 83:13	51:3 55:15 62:16
updating [1] 211:24	valid [3] 61:9 135:16	wanderer [1] 153:11	92:11 92:20 92:25	62:23 83:5 83:7
upland [2] 148:18	164:23	wanting [1] 118:8	93:2 93:18 93:25	83:9 84:9 105:2
148:19	Valley [16] 2:18	wants [8] 68:20	94:15 94:20 94:21	105:5 197:5 209:21
upper [9] 21:3	46:13 65:20 77:15	81:15 81:22 102:4	94:22 94:23 94:25	watersheds [1] 30:1
22:18 24:16 30:17	91:20 91:24 132:21	109:25 129:13 138:21	95:1 95:2 95:7	ways [12] 70:22
45:13 88:14 89:10	152:11 164:19 172:17	143:11	95:14 95:17 95:22	82:17 92:16 111:13
137:14 178:18	173:8 173:9 180:21	warmer [1] 32:16	95:23 95:23 96:11	142:10 142:12 144:16
upset [1] 192:16	181:15 187:17 190:25	warming [2] 32:8	96:25 97:9 97:10	149:13 149:13 150:5
upstream [18] 19:5	value [12] 18:1	150:11	98:24 99:25 100:9	176:18 203:25
20:9 21:6 23:21	18:4 18:7 18:10	Washington [1] 202:15	100:10 100:13 100:15	wayside [1] 111:10
32:21 33:3 45:16	26:2 26:8 26:10	waste [2] 78:10	101:1 101:15 101:19	weaknesses [2] 211:2
46:8 46:11 46:12	40:13 40:14 64:6	181:13	101:24 102:25 103:1	211:4
55:15 148:6 176:25	69:22 69:22	watchdog [1] 213:8	103:6 103:10 103:22	wear [1] 171:23
177:1 178:6 178:9	valve [1] 34:20	water [377] 2:2	104:13 106:20 106:22	wearing [1] 172:3
178:11 178:16	variability [2] 17:24	2:7 2:9 2:11	107:22 108:9 110:16	weather [1] 211:6
urban [60] 21:19	83:16	2:18 3:3 3:13	111:7 111:7 113:1	Weber [2] 1:24
		3:14 3:15 11:14	113:7 113:14 113:20	218:22
			113:22 117:14 117:21	week [3] 4:16 207:14
			118:16 118:17 120:11	
			122:16 123:3 123:25	

208:5	wondered [4]	22:11	year [16]	16:7	18:2
weeks [3]	62:16 64:17	182:18	18:2	18:5	24:11
183:16 187:1	wondering [3]	4:14	33:23	60:16	65:16
weigh [1]	98:8 108:23		65:20	103:12	110:14
weighed [2]	word [3]	40:21	113:8	122:24	122:25
134:4	183:5	180:22	177:23	177:24	
weird [1]	words [7]	9:13	year-round [2]	59:15	
well-developed [1]	9:17 137:1	138:13	59:25		
120:7	153:12 185:4	206:12	yearly [1]	25:15	
well-known [1]	workable [1]	206:22	years [27]	17:25	
west [1]	worked [4]	8:16	39:19 41:12	48:1	
western [2]	9:3 130:21	133:20	63:14 64:7	67:16	
178:22	workers [1]	67:1	90:11 104:12	108:16	
Westlands [3]	works [1]	202:13	110:10 110:10	130:21	
123:25 124:2	Workshop [27]	8:19	149:14 167:23	173:21	
wet [2]	8:20 8:21	13:6	174:15 175:8	175:25	
wetlands [8]	13:10 13:16	16:13	176:5 177:22	177:25	
30:12 30:18	16:16 46:22	46:24	178:4 180:3	180:9	
80:6 80:8	47:19 50:19	51:18	198:7 198:18		
83:6	51:19 56:12	56:20	yellow [1]	20:20	
Wheeler [1]	56:24 57:3	86:13	yesterday [8]	112:1	
whichever [1]	112:2 114:18	154:25	153:4 187:13	202:21	
whoa [1]	189:13 201:5	201:6	203:21 204:18	205:6	
197:22	201:12 201:13		205:23		
whole [30]	Workshops [10]	16:8	yet [12]	6:5	56:12
18:19 40:4	16:15 51:25	52:3	71:25 76:3	76:7	
63:8 73:23	79:2 86:6	106:1	76:22 78:19	105:21	
82:10 82:17	188:13 188:17	194:17	165:23 191:19	205:8	
83:22 95:9	world [1]	134:8	209:14		
112:5 112:8	worm [1]	191:25	yield [10]	40:25	
128:2 130:20	worried [1]	179:12	41:3 41:11	42:8	
178:15 184:22	worries [1]	43:3	42:19 45:12	45:14	
194:11 195:12	worry [2]	43:1	89:3 178:8	182:14	
199:12 207:1	141:5		yields [2]	45:21	
208:11 210:3	worshiped [1]	114:23	110:20		
wider [2]	worst [1]	14:16	Zach [2]	205:11	205:16
22:24	worth [6]	10:5	Zach's [1]	204:16	
widest [1]	17:20 81:16	133:5	zone [2]	152:1	209:8
Wildlife [1]	134:6 216:20				
willing [8]	worthwhile [2]	81:21			
88:17 88:23	99:18				
95:20 95:21	wrap [1]	53:10			
178:23	wrestling [1]	145:1			
Wilson [1]	write [3]	17:16			
win-win [1]	74:24	61:20			
wind [3]	write-ups [1]	48:12			
169:18 171:4	writing [4]	6:13			
171:5	6:14 79:21	173:16			
window [1]	written [8]	9:17			
wisdom [1]	9:19 43:11	132:11			
wise [1]	138:15 138:18	150:24			
wish [5]	151:8				
114:6 114:8	wrong [2]	10:18			
171:11 171:18	169:23				
217:6	wrote [3]	75:10			
wishes [3]	116:23 130:6				
123:15 217:8	Yacger [19]	25:3			
within [12]	25:13 25:20	27:4			
76:8 100:22	27:5 27:6	51:24			
125:5 156:20	54:16 56:16	57:8			
189:3 203:1	58:24 59:11	62:21			
205:25 212:1	63:2 126:9	135:22			
without [5]	151:3 151:6	216:7			
67:10	yard [1]	114:19			
77:6 84:25	Yardis [3]	130:18			
122:5	133:20 133:23				
withstand [1]					
withnessed [1]					
Women [1]					
wonder [2]					
79:21					